ROYAL COMMISSION ON THE CARE AND CONTROL OF THE FEEBLE-MINDED.

# MINUTES OF EVIDENCE

**(RELATING TO SCOTLAND AND IRELAND ON THE ORIGINAL REFERENCE)**

TAKEN BEFORE THE

# ROYAL COMMISSION

ON THE

# CARE and CONTROL of the FEEBLE-MINDED

## WITH APPENDICES AND INDEXES.

110500

VOLUME III.—IV.

**QUESTIONS 20,789 TO 25,072.**

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on 31 October, 2019

# Royal Warrant.

*EDWARD R. and I.*

**Edward the Seventh**, by the Grace of God, of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, King, Defender of the Faith, to—

Our right trusty and entirely beloved Cousin Thomas Henry, Marquess of Bath, Chairman; and

Our trusty and well-beloved:—

William Patrick Byrne, Esquire, Companion of Our Most Honourable Order of the Bath, Principal Clerk in the Office of Our Secretary of State for the Home Department;

Charles Edward Henry Hobhouse, Esquire;

Frederick Needham, Esquire, Doctor of Medicine, one of the Commissioners in Lunacy;

Henry David Greene, Esquire, one of Our Counsel learned in the Law;

Charles Edward Heley Chadwyck-Healey, Esquire, one of Our Counsel learned in the Law;

Harold Nelson Burden, Clerk, Manager of Brentry and other Certified Inebriate Reformatories;

Willoughby Hyett Dickinson, Esquire, Chairman of the National Association for promoting the welfare of the Feeble-Minded;

Charles Stewart Loch, Esquire, Secretary to the Council of the London Charity Organization Society; and

Ellen Frances Pinsent. Greeting!

**Whereas** We have deemed it expedient that a Commission should forthwith issue to consider the existing methods of dealing with idiots and epileptics, and with imbecile, feeble-minded, or defective persons not certified under the Lunacy Laws; and in view of the hardship or danger resulting to such persons and the community from insufficient provision for their care, training, and control, to report as to the amendments in the law or other measures which should be adopted in the matter, due regard being had to the expense involved in any such proposals and to the best means of securing economy therein;

**Now know** ye, that We, reposing great trust and confidence in your knowledge and ability, have authorized and appointed, and do by these presents authorize and appoint, you, the said Thomas Henry, Marquess of Bath; William Patrick Byrne; Charles Edward Henry Hobhouse;

103—III. 1,750—Wt. T.L. 290. 7/08. Wy. & S. 3072*r*.

Frederick Needham; Henry David Greene; Charles Edward Heley Chadwyck-Healey; Harold Nelson Burden; Willoughby Hyett Dickinson; Charles Stewart Loch; and Ellen Frances Pinsent to be Our Commissioners for the purposes of the said inquiry.

And for the better effecting the purposes of this Our Commission, We do by these presents give and grant unto you, or any three or more of you, full power to call before you such persons as you shall judge likely to afford you any information upon the subject of this Our Commission; and also to call for, have access to, and examine all such books, documents, registers and records as may afford you the fullest information on the subject, and to inquire of and concerning the premises by all other lawful ways and means whatsoever.

And We do by these presents authorize and empower you, or any of you, to visit and personally inspect such places as you may deem it expedient so to inspect for the more effectual carrying out of the purposes aforesaid.

And We do by these presents will and ordain that this Our Commission shall continue in full force and virtue, and that you Our said Commissioners, or any three or more of you, may from time to time proceed in the execution thereof, and of every matter and thing therein contained, although the same be not continued from time to time by adjournment.

And We do further ordain that you, or any three or more of you, have liberty to report your proceedings under this Our Commission from time to time if you shall judge it expedient so to do.

And Our further will and pleasure is that you do, with as little delay as possible, report to Us under your hands and seals, or under the hands and seals of any three or more of you, your opinion upon the matters herein submitted for your consideration.

Given at Our Court at *St. James's*, the ninth day of *September*, one thousand nine hundred and four, in the fourth year of Our Reign.

By His Majesty's Command,

A. Akers-Douglas.

# Royal Warrant.

*EDWARD R. and I.*

Horatio Bryan Donkin, Esquire, M.D.,

To be a member of the Royal Commission to consider the existing methods of dealing with idiots and epileptics, and with imbecile, feeble-minded, or defective persons.

**Edward the Seventh**, by the Grace of God, of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, King, Defender of the Faith, To our Trusty and Well-beloved Horatio Bryan Donkin, Esquire, Doctor of Medicine, one of the Commissioners under the provisions of the Prisons Act, 1877. Greeting!

**Whereas** by Warrant under our Royal Sign Manual bearing date the Ninth day of September One Thousand Nine Hundred and Four, We were pleased to appoint Commissioners to consider the existing methods of dealing with idiots and epileptics, and with imbecile, feeble-minded or defective persons.

**Now Know** ye, that We, reposing great trust and confidence in your knowledge and ability, have authorized and appointed, and do by these presents authorize and appoint you the said Horatio Bryan Donkin, to be One of Our Commissioners for the purpose aforesaid, in addition to and together with the Commissioners whom We have already appointed.

Given at Our Court at *Balmoral* the Seventh day of *October*, one thousand nine hundred and four, in the Fourth Year of Our Reign.

By His Majesty's Command,

A. AKERS-DOUGLAS.

# Royal Warrant.

---

**Edward the Seventh**, by the Grace of God, of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, King, Defender of the Faith, to Our right trusty and right well-beloved Cousin Jacob, Earl of Radnor. Greeting!

**Whereas** the Office of Chairman of the Royal Commission on the Care and Control of the Feeble-Minded is now vacant by the resignation of our right trusty and entirely beloved cousin, Thomas Henry, Marquess of Bath.

**Now know** ye, that We, reposing great trust and confidence in your real discretion and ability, have authorized and appointed, and do by these presents authorize and appoint you, the said Jacob, Earl of Radnor, to be Chairman of the said Commission in the room of the said Thomas Henry, Marquess of Bath, resigned.

Given at Our Court at *St. James's*, the twenty-fifth day of *February*, nineteen hundred and five, in the fifth year of Our Reign.

By His Majesty's Command,

A. Akers-Douglas.

# Royal Warrant.

*EDWARD R. and I.*

James Craufurd Dunlop, Esq., M.D., F.R.C.P. (Edin.), to be a Member of the Royal Commission on the Care and Control of the Feeble-Minded.

**Edward the Seventh,** by the Grace of God, of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, King, Defender of the Faith, to Our trusty and well-beloved James Craufurd Dunlop, Esquire, Doctor of Medicine, Fellow of the Royal College of Physicians (Edinburgh), Superintendent of Statistics in the Office of the Registrar General for Scotland, Inspector under the Inebriates Acts, Assistant to the Medical Adviser to the Prison Commissioners for Scotland. Greeting!

**Whereas** by Warrants under Our Royal Sign Manual bearing date respectively the Ninth Day of September and the Seventh Day of October, 1904, and the Twenty-fifth Day of February, 1905, We were pleased to appoint Commissioners to consider the existing methods of dealing with idiots and epileptics and with imbecile feeble-minded or defective persons.

**Now know** ye, that We, reposing great trust and confidence in your knowledge and ability, have authorized and appointed, and do by these presents authorize and appoint you, the said James Craufurd Dunlop, to be one of our Commissioners for the purpose aforesaid in addition to and together with the Commissioners whom we have already appointed.

Given at Our Court at *St. James's*, the sixth day of *March*, nineteen hundred and five, in the fifth year of Our Reign.

By His Majesty's Command,

A. Akers-Douglas.

# ROYAL COMMISSION ON THE CARE AND CONTROL OF THE FEEBLE-MINDED.

## LIST OF WITNESSES ARRANGED ALPHABETICALLY.


| NAME. | DESCRIPTION. | DATE. | QUESTION. | PAGE. |
|---|---|---|---|---|
| ALLAN, Robert S. - - | Chairman of the Glasgow School Board. | FIFTY-FIRST DAY: 13th June, 1906. | 25036 | 268 |
| BARCLAY, R. B., I.S.O. - - | General Superintendent of Poor Houses, Local Government Board, Edinburgh. | FORTY-NINTH DAY: 11th June, 1906. | 23428 | 163 |
| BOURKE, Edmund - - | General Inspector of the Local Government Board for Ireland. | FORTY-SIXTH DAY: 9th March, 1906. | 22319 | 90 |
| BROWN, Richard - - - | Chartered Accountant, Edinburgh. | FORTY-FIFTH DAY: 2nd March, 1906. | 21397 | 41 |
| BRUCE, W., M.D., LL.D. - | Member of the General Medical Council for Scotland. | FIFTIETH DAY: 12th June, 1206. | 24090 | 198 |
| CARSWELL, John, L.R.C.P.E., F.F.P.S.G., J.P. | Certifying Physician in Lunacy to the Glasgow Parish Council; Physician to the Mental Department, Eastern District Hospital, Glasgow; Lecturer on Mental Diseases, Anderson's College Medical School, Glasgow; Examining Medical Officer to the Classes for Mentally Defective Children, Glasgow School Board; Late Chairman of the Inebriates Committee, Glasgow Corporation; Member of the Glasgow Juvenile Delinquency Board. | FORTY-FIFTH DAY: 2nd March, 1906. | 21858 | 61 |
| CLARKSON, R.D., M.B., C.M., B.Sc. | Medical Officer of the Scottish National Institution for the Education of Imbecile Children at Larbert, Stirlingshire. | FORTY-FIFTH DAY: 2nd March, 1906. | 21987 | 70 |
| CLOUSTON, T. S., M.D., F.R.C.P.E., F.R.S.E. | Physician Superintendent of the Royal Edinburgh Asylum for thirty-two years, and Medical Superintendent at Carlisle Asylum for ten years previously; lecturer on Mental Diseases at Edinburgh University. | FIFTIETH DAY: 12th June, 1906. | 24157 | 200 |
| CLUCKIE, N. Gordon, M.B., C.M. | Representing the County Council of Argyll. | FORTY-NINTH DAY: 11th June, 1906. | 23902 | 190 |
| COLLES, John Mayne, LL.D. | Registrar in Lunacy (Ireland) - | FORTY-SIXTH DAY: 9th March, 1906. | 22246 | 86 |
| COURTENAY, E. Maziere, M.B. | Inspector of Lunatics and Lunatic Asylums in Ireland. | FORTY-SEVENTH DAY: 16th March, 1906. | 22641 | 109 |
| CROMBIE, David - - - | Secretary and Inspector, Prison Commission, Scotland. | FIFTY-FIRST DAY: 13th June, 1906. | 24851 | 252 |
| CUNNINGHAM, John, M.B., C.M., J.P. | Medical Officer to the Girgenti Home for Inebriates. | FIFTIETH DAY: 12th June, 1906. | 24548 | 226 |

| NAME. | DESCRIPTION. | DATE. | QUESTION. | PAGE. |
|---|---|---|---|---|
| DONALD, J. Quin, L.R.C.P., L.R.C.S. (Edin.) | Medical Superintendent of the Invernith Lodge Retreat, Colinsburgh, Fife. | FIFTIETH DAY: 12th June, 1906. | 24516 | 224 |
| DOWDALL, R. G., M.D., D.P.H | Resident Medical Officer of Mountjoy Prison, Dublin. | FORTY-EIGHTH DAY: 5th May, 1906. | 23087 | 137 |
| FAGAN, John, F.R.C.S. - - | Inspector of Reformatory and Industrial Schools, Ireland. | FORTY-EIGHTH DAY: 5th May, 1906. | 23139 | 139 |
| FYFE, Thomas Alexander - | One of the Sheriffs-Substitute of Lanarkshire. | FIFTY-FIRST DAY: 13th June, 1906. | 24658 | 234 |
| GARDNER, J. W. - - - | Consulting Architect, Lunacy Office, Dublin. | FORTY-EIGHTH DAY: 5th May, 1906. | 23209 | 152 |
| GULLAND, John William, M.P. | Member of Parliament for Dumfries Burghs, and a Member of the Edinburgh Town Council, and from 1900 to 1906 a Member of the Edinburgh School Board. | FORTY-NINTH DAY: 11th June, 1906. | 23778 | 185 |
| GUTHRIE, W., LL.D. - - | Sheriff of Lanarkshire. - - | FIFTY-FIRST DAY: 13th June, 1906. | 24590 | 231 |
| HENDERSON, Alexander - | Governor of Barn Hill Poor House, Glasgow. | FORTY-NINTH DAY: 11th June, 1906. | 23552 | 168 |
| IRELAND, William W., M.D. | For some years Medical Superintendent of the Larbert Institution and for eighteen years private owner of a place for the care of imbeciles of the wealthier class. | FIFTIETH DAY: 12th June, 1906. | 23990 | 193 |
| MCNAUGHTAN, John, M.D. - | Medical Superintendent Criminal Lunatic Asylum, Superintendent State Inebriate Reformatory, and Medical Officer H.M. Prison, Perth. | FIFTY-FIRST DAY: 13th Jude, 1906. | 24962 | 265 |
| MACKENZIE, W. Leslie, M.A., M.D., D.P.H., M.R.C.P.E., F.R.S.E. | Medical Member of the Local Government Board for Scotland. | FORTY-NINTH DAY: 11th June, 1906. | 23272 | 153 |
| MACPHERSON, Charles, M.D. | Deputy Commissioner in Lunacy for Scotland, Edinburgh. | FORTY-FIFTH DAY: 2nd March, 1906. | 21499 | 45 |
| MACPHERSON, John, M.D. - | Commissioner in Lunacy, Edinburgh. | FORTY-FOURTH DAY: 23rd February, 1906. | 21197 | 29 |
| MATHESON, Robert E., LL.D. | Registrar-General for Ireland - | FORTY-EIGHTH DAY: 5th May, 1906. | 22853 | 121 |
| MONTEAGLE, Lily, Miss - | Head Teacher of Bridgeton Special School, Glasgow, for Physically and Mentally Defective Children. | FIFTY-FIRST DAY: 13th June, 1906. | 24924 | 263 |
| MOTION, James Russell - - | Inspector of Poor, &c., to the Parish of Glasgow; Clerk and Treasurer to the Lunacy District Board. | FORTY-FIFTH DAY: 2nd March, 1906. | 21645 | 51 |
| NIXON, Sir Christopher, M.D., LL.D. | Ex-President, Royal College of Physicians of Ireland; Senior Physician, Mater Misericordæ Hospital; Professor of Medicine, Catholic University; Member of the General Medical Council; and Consulting and Visiting Physician to the Central Criminal Asylum, Dundrum. | FORTY-SEVENTH DAY: 16th March, 1906. | 22555 | 101 |

| Name. | Description. | Date. | Question. | Page. |
|---|---|---|---|---|
| Norman, Conolly, F.R.C.P.I. | Resident Medical Superintendent, Richmond District Lunatic Asylum, Dublin. | Forty-Seventh Day: 16th March, 1906. | 22763 | 117 |
| O'Farrell, Sir George Plunkett, M.A., M.D. | Inspector of Lunatics and Lunatic Asylums in Ireland. | Forty-Sixth Day: 9th March, 1906. | 22080 | 75 |
| Rainsford, Frederick E., M.D., L.R.C.P. | Resident Medical Superintendent, Stewart Institution for Imbeciles, Palmerstown, County Dublin; formerly Assistant Medical Officer, Bristol City Asylum. | Forty-Sixth Day: 9th March, 1906. | 22448 | 95 |
| Russell, Sir James Alexander, LL.D., F.R.C.P.E., D.L., J.P. | Formerly Member of the Town Council of Edinburgh; Bailie; Member of the District Board of Lunacy; Lord Provost, 1891 to 1894. | Forty-Ninth Day: 11th June, 1906. | 23650 | 179 |
| Spence, T. W. L. - - | Secretary to the General Board of Lunacy for Scotland. | Forty-Fourth Day: 23rd February, 1906. | 20789 | 8 |
| Sutherland, J. F., M.D., F.R.S.E., F.S.S. | Deputy Commissioner for Lunacy in Scotland for eleven and a half years. | Fifty-First Day: 13th June, 1906. | 24755 | 238 |
| Thomson, John, M.D., F.R.C.P.E. | One of the Physicians to the Royal Hospital for Sick Children, Edinburgh; formerly Physician for Diseases of Children to the New Town Dispensary, Edinburgh. | Fiftieth Day: 12th June, 1906. | 24381 | 209 |
| Urquhart, A.R., M.D., F.R.C.P.E. | Physician to James Murray's Royal Asylum, Perth. | Fiftieth Day: 12th June, 1906. | 24434 | 212 |
| Woodhouse, Stewart, M.D., F.R.C.P.I. | Medical Member of the General Prisons Board, Ireland. | Forty-Eighth Day: 5th May, 1906. | 22998 | 131 |

# ROYAL COMMISSION ON THE CARE AND CONTROL OF THE FEEBLE MINDED

## LIST OF WITNESSES IN ORDER OF EXAMINATION


| Date. | Name. | Description. | Question. | Page. |
|---|---|---|---|---|
| Forty-fourth Day: 23rd February, 1906. | T. W. L. Spence - - | Secretary to the General Board of Lunacy for Scotland. | 20789 | 8 |
| | John Macpherson, M.D. | Commissioner in Lunacy, Edinburgh. | 21197 | 29 |
| Forty-fifth Day: 2nd March, 1906. | Richard Brown - - | Chartered Accountant, Edinburgh | 21397 | 41 |
| | Charles Macpherson, M.D. | Deputy Commissioner in Lunacy for Scotland, Edinburgh. | 21499 | 45 |
| | James Russell Motion - | Inspector of Poor, etc., to the Parish of Glasgow; Clerk and Treasurer to the Lunacy District Board. | 21645 | 51 |
| | John Carswell, L.R.C.P.E., F.F.P.S.G., J.P. | Certifying Physician in Lunacy to the Glasgow Parish Council; Physician to the Mental Department, Eastern District Hospital, Glasgow; Lecturer on Mental Diseases, Anderson's College Medical School, Glasgow; Examining Medical Officer to the Classes for Mentally Defective Children, Glasgow School Board; Late Chairman of the Inebriates Committee, Glasgow Corporation; Member of the Glasgow Juvenile Delinquency Board. | 21858 | 61 |
| | R. D. Clarkson, M.B., C.M., B.Sc. | Medical Officer of the Scottish National Institution for the Education of Imbecile Children at Larbert, Stirlingshire. | 21987 | 70 |
| Forty-sixth Day: 9th March, 1906. | Sir George Plunkett O'Farrell, M.A., M.D. | Inspector of Lunatics and Lunatic Asylums in Ireland. | 22080 | 75 |
| | John Mayne Colles, LL.D. | Registrar in Lunacy (Ireland). | 22246 | 86 |
| | Edmund Bourke - - | General Inspector of the Local Government for Ireland. | 22319 | 90 |
| | Frederick E. Rainsford, M.D., L.R.C.P. | Resident Medical Superintendent Stewart Institution for Imbeciles, Palmerstown, County Dublin; Formerly Assistant Medical Officer Bristol City Asylum. | 22448 | 95 |
| Forty-seventh Day: 16th March, 1906. | Sir Christopher Nixon, M.D., LL.D. | Ex-President Royal College of Physicians of Ireland; Senior Physician, Mater Misericordæ Hospital; Professor of Medicine, Catholic University; Member of the General Medical Council; and Consulting and Visiting Physician to the Central Criminal Lunatic Asylum, Dundrum. | 22555 | 101 |

| Date. | Name. | Description. | Question. | Page. |
|---|---|---|---|---|
| Forty-seventh Day: 16th March, 1906. | E. Maziere Courtenay, M.B. | Inspector of Lunatics and Lunatic Asylums in Ireland. | 22641 | 109 |
| | Conolly Norman, F.R.C.P.I. | Resident Medical Superintendent, Richmond District Lunatic Asylum, Dublin. | 22763 | 117 |
| Forty-eighth Day: 5th May, 1906. | Robert E. Matheson, LL.D. | Registrar-General for Ireland. | 22853 | 121 |
| | Stewart Woodhouse, M.D., F.R.C.P.I. | Medical Member of the General Prisons Board, Ireland. | 22998 | 131 |
| | R. G. Dowdall, M.D., D.P.H. | Resident Medical Officer of Mountjoy Prison, Dublin. | 23087 | 137 |
| | John Fagan, F.R.C.S. | Inspector of Reformatory and Industrial Schools, Ireland. | 23139 | 139 |
| | J. W. Gardner | Consulting Architect, Lunacy Office, Dublin. | 23209 | 152 |
| Forty-ninth Day: 11th June, 1906. | W. Leslie Mackenzie, M.A., M.D., D.P.H., M.R.C.P.E., F.R.S.E. | Medical Member of the Local Government Board for Scotland. | 23272 | 153 |
| | R. B. Barclay, I.S.O. | General Superintendent of Poor Houses, Local Government Board, Edinburgh. | 23428 | 163 |
| | Alexander Henderson | Governor of Barn Hill Poor House, Glasgow. | 23552 | 168 |
| | Sir James Alexander Russell, LL.D., F.R.C.P.E., D.L., J.P. | Formerly Member of the Town Council of Edinburgh; Bailie; Member of the District Board of Lunacy; Lord Provost 1891 to 1894. | 23650 | 179 |
| | John William Gulland, M.P. | Member of Parliament for Dumfries Burghs; and a Member of the Edinburgh Town Council; and from 1900 to 1906 a Member of the Edinburgh School Board. | 23778 | 185 |
| | N. Gordon Cluckie, M.B., C.M. | Representing the County Council of Argyll. | 23902 | 190 |
| Fiftieth Day: 12th June, 1906. | William W. Ireland, M.D. | For some years Medical Superintendent of the Larbert Institution; and for eighteen years private owner of a place for the care of imbeciles of the wealthier class. | 23990 | 193 |
| | W. Bruce, M.D., LL.D. | Member of the General Medical Council for Scotland. | 24090 | 198 |
| | T. S. Clouston, M.D., F.R.C.P.E., F.R.S.E. | Physician-Superintendent of the Royal Edinburgh Asylum for thirty-two years, and Medical Superintendent at Carlisle Asylum for ten years previously; Lecturer on Mental Diseases at Edinburgh University. | 24157 | 200 |
| | John Thomson, M.D., F.R.C.P.E. | One of the Physicians to the Royal Hospital for Sick Children, Edinburgh, formerly Physician for Diseases of Children to the New Town Dispensary, Edinburgh. | 24381 | 209 |

| DATE. | NAME. | DESCRIPTION. | QUESTION. | PAGE. |
|---|---|---|---|---|
| FIFTIETH DAY: 12th June, 1906. | A. R. URQUHART, M.D., F.R.C.P.E. | Physician to James Murray's Royal Asylum, Perth. | 24434 | 212 |
| | J. QUIN DONALD, L.R.C.P. L.R.C.S. (Edin.) | Medical Superintendent of the Invernith Lodge Retreat, Colinsburgh, Fife. | 24516 | 224 |
| | JOHN CUNNINGHAM, M.B., C.M., J.P. | Medical Officer to the Girgenti Home for Inebriates. | 24548 | 226 |
| FIFTY-FIRST DAY: 13th June, 1906. | W. GUTHRIE, LL.D. - - | Sheriff of Lanarkshire - - - | 24590 | 231 |
| | THOMAS ALEXANDER FYFE | One of the Sheriffs-Substitute of Lanarkshire. | 24658 | 234 |
| | J. F. SUTHERLAND, M.D., F.R.S.E., F.S.S. | Deputy Commissioner for Lunacy in Scotland for eleven and a half years. | 24755 | 238 |
| | DAVID CROMBIE - - | Secretary and Inspector, Prison Commission, Scotland. | 24851 | 252 |
| | Miss LILY MONTEAGLE - | Head Teacher of Bridgeton Special School, Glasgow, for Physically and Mentally Defective Children. | 24924 | 263 |
| | JOHN MCNAUGHTAN, M.D. | Medical Superintendent Criminal Lunatic Asylum, Superintendent State Inebriate Reformatory; and Medical Officer, H.M. Prison, Perth. | 24962 | 265 |
| | ROBERT S. ALLAN - - | Chairman of the Glasgow School Board. | 25036 | 268 |

# MINUTES OF EVIDENCE

## RELATING TO SCOTLAND AND IRELAND ON THE ORIGINAL REFERENCE

TAKEN BEFORE

## THE ROYAL COMMISSION

ON THE

# Care and Control of the Feeble-Minded,

## AT ROYAL COMMISSIONS HOUSE, OLD PALACE YARD, WESTMINSTER, S.W.

---

### FORTY-FOURTH DAY.

---

*Friday, 23rd February,* 1906.

---

PRESENT

The Right Hon. The EARL OF RADNOR (*in the Chair*).

W. P. BYRNE, Esq., C.B.
C. E. H. HOBHOUSE, Esq., M.P.
F. NEEDHAM, Esq., M.D.
H. D. GREENE, Esq., K.C.
C. E. H. CHADWYCK-HEALEY, Esq., C.B., K.C.

The Rev. H. N. BURDEN.
W. H. DICKINSON, Esq., M.P.
H. B. DONKIN, Esq., M.D.
J. C. DUNLOP, Esq., M.D.

HARTLEY B. N. MOTHERSOLE, Esq., M.A., LL.M. (*Secretary*).
E. A. H. JAY, Esq., M.A., LL.B. (*Assistant Secretary*).

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*(For the first part of this day's evidence see end of Volume II.)*

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**Owing to a Printer's error the evidence of Dr. Maudsley and Dr. Thomson, which had already been printed at the end of Volume II., was reprinted in this Volume. It is not necessary that it should appear in both Volumes, and it has, therefore, been taken out of this Volume, which has necessitated the removal of pages 2 to 7.**

**Hartley B. N. Mothersole,**

*Secretary.*

**Questions 20789 to 20790.**



T. W. L. SPENCE, Esq., called ; and Examined.

*(Copies of Blank Forms and Specimen Books, Regulations and Instructions to Inspectors of Poor, in use by the General Board of Lunacy for Scotland in relation to the Care of the Insane in Private Dwellings, together with Copies of General Reports on three Specially Licensed Houses (one from each of the three Groups visited by the Royal Commissioners) and of the Case Records of the Patients who were seen in each of those houses, and brief notes of the main facts in regard to every patient seen in each of the three localities visited by various Members of the Commission, were subsequently sent in by Mr. Spence, and will be found in the Appendix Papers on pages 283–328c post.).*

*T. W. L. Spence, Esq.*
23 Feb. 1906.

20789. (*Chairman*). Would you be so kind as to tell us how long you have been connected with the Lunacy Board in Scotland ?—I have been connected with it practically all my life, and for the last seventeen years I have been secretary.

20790. You have been so kind as to give us a statement of your evidence; may we put that on our notes ?—Certainly.

STATEMENT OF THE EVIDENCE ON THE LUNACY SYSTEM IN SCOTLAND, PROPOSED TO BE GIVEN BY T. W. L. SPENCE, ESQ., SECRETARY TO THE GENERAL BOARD OF LUNACY FOR SCOTLAND.

LUNACY ACTS.

The principal statutory enactments for the regulation of the care and treatment of lunatics and for the provision, maintenance, and regulation of lunatic asylums in Scotland are the following :—

20 & 21 Vic., c. 71. The Lunacy Act of 1857.
25 & 26 Vic., c. 54. The Lunacy Amendment Act of 1862.
29 & 30 Vic., c. 51. The Lunacy Amendment Act of 1866.
The Criminal and Dangerous Lunatics Act of 1871.
The Prisons Act of 1877 (Sections 61 and 62 only).
The Lunacy Districts Act of 1887.

The special provisions of the Army and Navy Acts, dealing with Lunatic Soldiers and Sailors in England, apply also, *mutatis mutandis*, to Scotland.

DEFINITIONS.

" Lunatic " means " a person certified by two medical persons to be a lunatic, an insane person, an idiot, or a person of unsound mind."

" Pauper Lunatic " means " any lunatic towards the cost of whose maintenance any allowance is given or made by any Parochial Board. [Parish Council.]

The following definitions of " Sheriff," " Procurator Fiscal," and " Inspector of Poor," will enable those unacquainted with Scottish administrative terms to understand the status and duties of these officials :—

" Sheriff,' shall include ' Sheriffs-substitute.' "

S. 1, 25 & 26 Vic., c. 54.

(*a*) Sheriffs are the highest judicial officers of counties, and are, with two exceptions, not resident in the counties in which their jurisdiction lies. Their functions are now to a considerable extent limited *in practice* to acting as Judges of Appeal from the judgments of the Sheriffs-Substitute. Sheriffs-Substitute are resident paid Judges who hold regular Courts, and who occupy a position corresponding more or less to that of a County Court Judge in England. The jurisdiction of Sheriffs and Sheriffs-Substitute is, however, unlimited as regards pecuniary amount, and, in fact, they have practically jurisdiction in all cases except divorce cases. They have also extensive criminal jurisdiction, but cannot give a longer sentence than two years' imprisonment. The Sheriff may appoint Honorary Sheriffs-Substitute, not necessarily or usually lawyers, who in certain matters, including the granting of Lunacy Orders, may act for the Sheriff-Substitute during his temporary absence.

(*b*) A Procurator-Fiscal is a Crown Official of legal qualification, resident in the district in which he acts, who investigates cases of suspected crime, and in grave matters reports to Crown Counsel for instructions. He acts in criminal cases as Public Prosecutor.

(*c*) An Inspector of Poor is the principal executive officer of a Parish Council, whose servant he is, and to whose directions he is primarily subject, though he has certain independent statutory duties for the due performance of which he is personally responsible. He can only be dismissed by the Local Government Board. He performs the functions of " Relieving Officer " in England, and acts as Clerk to the Parish Council when no separate appointment of a Clerk has been made.

Poorhouses in Scotland correspond to workhouses in England.

GENERAL BOARD OF LUNACY.

The General Board of Commissioners in Lunacy for Scotland established under these Acts consists of the following members :—

A Chairman, who is unpaid.
Two legal Commissioners, who are unpaid.
Two medical Commissioners, who are paid.

The unpaid members attend all ordinary Board meetings and also meetings held locally for investigation into serious occurrences and for conferences with local bodies in Edinburgh or elsewhere on matters of local importance. They visit with the medical Commissioners property proposed to be acquired by Districts Boards as sites for asylums, take part in the examination and approval of plans and estimates, and deal with all legal questions which come before the Board.

The medical Commissioners in addition to taking part in the duties above indicated, have the special duty of visiting twice a year and reporting to the Board on all establishments for the insane, and on the care and condition of the patients in them. Such half-yearly visitation is carried out by one medical Commissioner, the other being meanwhile in daily attendance at the office of the Board.

There are in addition two medical Deputy-Commissioners not members of the Board, whose duties consist mainly in visiting and reporting on all persons of unsound mind under private care who come for any reason under the notice or jurisdiction of the Board.

DISTRICT BOARDS OF LUNACY.

Scotland is divided into lunacy districts consisting of groups of counties or single counties or parts of counties. When, as is the case in the principal towns, a lunacy district consists of a single parish, the parish council (a popularly elected body, consisting in large parishes of not more than thirty-one members) may be, and in practice is, constituted the district board of lunacy, and in that capacity performs functions entirely separate, and in many respects of a different nature, from those performed by the same body under the Poor Law. In the case of all other lunacy districts, not consisting of single parishes, the district lunacy board is elected by the county council or county councils of the county or group of counties comprising the district, and by the magistrates of burghs within such county or counties, the number of members being fixed by the general Board and being apportioned by them among the electing bodies as nearly as may be in accordance with the valuation of each county or burgh. The number of members of such boards varies from five to twenty-three, according to the size and circumstances of the district.

The duties of district boards of lunacy are confined to the purchase of sites and the erection or acquisition, maintenance and management of district asylums ; or, when the erection of a district asylum is not necessary, to contracting with existing asylums for the reception and maintenance of the pauper lunatics of the district. They have no concern with Royal asylums or parochial asylums within the district (further than that they may contract with such), nor with lunatic wards in poorhouses, or pauper lunatics in private dwellings, whether belonging to parishes forming part of the district or otherwise. A county council need not necessarily elect a member of its own body to serve on a district lunacy board.

S. 53, 20 & Vic., c.
S. 58, 20 & Vic., c.
S. 8, 25 & Vic., c.

They have power to borrow money for the erection, enlargement, and maintenance of asylums upon security of assessments levied under the Act for that purpose, which assessments are apportioned by the general Board upon heritable property in counties and burghs within the district.

District boards must furnish the General Board, upon a form prescribed, with abstract accounts showing the details of receipts and payments, and must transmit a full statement showing the sum paid for principal and interest of sums borrowed, and the state of their accounts as regards indebtedness.

S. 74, 20 & 21 Vic. 71.
S. 67, 20 & 21 Vic., c. 71.

ASYLUMS.

The word "asylum" is not defined in the Scottish statutes, but the terms "Public Asylum," "District Asylum," and "Private Asylum" are defined. The term "Parochial Asylum" used in Section 8 of the Amending Act of 1862 is not defined, but is applied to establishments which are "asylums" in the full sense of the word.

(*a*) *Royal or Chartered Asylums* are the only asylums in Scotland regarded as falling within the definition of "Public Asylum," which is—"All such hospitals, madhouses, or asylums as are or shall be established for the custody of lunatics by Act of Parliament or Royal Charter, or under any Deed or Mortification by which the maker thereof has directed the appropriation of funds to the establishing and maintaining any lunatic asylum or hospital, or any establishment administering funds for charitable purposes, without any view to any pecuniary gain or profit arising to the establishment or to the estate or funds of the trust or charity, and also all hospitals, madhouses, or asylums, other than district asylums, into which lunatics committed by Order and Certificate, as hereinafter provided, cannot be refused access or reception without special cause shown."

The Royal Asylums in Scotland correspond to Hospitals under the English Lunacy Acts. They receive wealthy patients at high rates of board, and also administer charitable funds for the support of poor private patients either wholly or partially, or in giving suitable patients the benefit of association with a higher social class than their own means would enable them to obtain. Of the seven asylums of the kind, three receive private patients only, while four receive also pauper patients under contracts with the District Boards of Lunacy, or in the case of the Crichton Royal Institution, under a special provision of the Lunacy Act of 1857 (Section 60).

S. 9, 20 & 21 Vic., c. 71.

The Board have no power to make rules and regulations for the good order and management of Royal Asylums, except in relation to books and minutes and returns and entries therefrom. Nor have the Board any power with regard to the plans of such asylums, or of alterations or additions to them, though the Commissioners are frequently consulted by the Directors when new plans are proposed.

S. 17, 20 & 21 Vic., c. 71.

They have, however, the same power in the case of Royal Asylums as in the case of District and Private Asylums with respect to visitation, inspection, and reporting, and to inquiring into all particulars in relation to the keeping and management of such asylums and the care of the lunatics in them.

(*b*) *District Asylums* are asylums erected or acquired and managed by District Boards of Lunacy.

S. 51-2, 20 & 21 Vic., c. 71.

Sites, plans, specifications, and estimates for such asylums, and for all subsequent additions and alterations, must receive the sanction of the Board, no other sanction being necessary.

S. 9, 20 & 21 Vic., c. 71.

The Board are empowered to draw up rules and regulations for the good order and management of District Asylums, which require the approval of the Secretary for Scotland before being acted on.

District Asylums, when they have spare accommodation, may, with the sanction of the Board, receive private patients. Such patients are to have "the same accommodation in all respects as pauper lunatics." Their removal must be called for if the accommodation occupied by them is required for pauper lunatics.

(*c*) *Private Asylums* correspond to what are called Licensed Houses in England. They were at one time numerous, but are now reduced to three, two of which are very small. They receive private patients of the richer class only.

They are licensed by the Board, who have power to make rules and regulations for their good order and management as in the case of District Asylums.

(*d*) *Parochial Asylums* are asylums erected and managed by Parish Councils. They are licensed by the Board, and are, in fact, Lunatic Wards of Poorhouses of a special class, having come into existence under Section 1 of a Lunacy Amendment Act passed in 1858, which was intended to make provision for lunatics pending the erection of District Asylums. This Act expired in five years, but the licences to such wards granted under it were continued under the power given to the Board by Section 3 of the Amending Act of 1862. They are referred to as "Parochial Asylums" in Section 8 of 25 & 26 Vic. c. 54. They receive patients labouring under all forms and degrees of insanity, and patients are admitted to them on the order of the Sheriff and under the same procedure as is followed in the case of other asylums. Regulations for their good order and management are made by the Board as for district asylums, the purposes of which they fully serve to the parishes to which they belong. There are now only three such asylums in Scotland, and the Board have no power under the statute to license any new establishment upon that footing.

*T. W. L. Spence, Esq.*
23 Feb. 1906.

S. 1, 21 & 22 Vic., c. 89.

S. 3, 25 & 26 Vic., c. 54.

AUTHORITY FOR ADMISSION TO ASYLUMS.

*Order of the Sheriff—Ordinary Lunatics.*

Lunatics are admitted to asylums on the Order of a Sheriff couched on a statutory form alike for private and pauper patients which is granted on a petition, a statement of particulars, and two medical certificates describing the patient as a lunatic by one or other of the statutory terms defining "lunatic."

S. 14, 25 & 26 Vic., c. 54.

The form of petition is not prescribed by the Act, but there is a form, printed on the schedule containing the forms necessary for a patient's reception, which is adhered to in practice.

There is no statutory restriction upon the person who may be the petitioner in the case of a private patient, the sheriff satisfying himself that the applicant is a proper person to act in any case where such may seem doubtful. In the case of pauper patients, the petitioner is the inspector of poor.

A statement, containing particulars regarding the patient on a form prescribed by the Act, must be signed by the petitioner.

The medical certificates, which need not be on separate sheets of paper, differentiate between (1) Facts indicating insanity observed by the certifier himself; and (2) Facts indicating insanity observed by others; and no valid certificate can be founded only on facts communicated to the certifier by others.

S. 35, 20 & 21 Vic., c. 71.

Heavy penalties may be inflicted on a medical man who grants a certificate of lunacy without seeing the patient, and also for the wilful and false granting of such certificates.

S. 38, 20 & 21 Vic., c. 71.

The sheriff does not himself see the patient, though there is no limit upon his discretion in the matter of granting such orders. He merely judges as to whether the facts submitted are reasonably sufficient to show that the person for whom the order is sought is insane.

The superintendent of the asylum to which a patient is sent must, after two days, and before the expiration of fourteen days after a patient's reception, transmit to the Board a report on his mental and bodily state, together with a copy of the papers on which he has been received.

S. 37, 20 & 21 Vic., c. 71.

Sheriffs' orders, if patients are not discharged, remain valid for three years, when their force must be renewed by a special certificate, which must be given annually afterwards.

S. 7, 29 & 30 Vic., c. 51.

*Order of the Sheriff—Dangerous Lunatics.*

A person who has come into the hands of the police through behaving insanely in public, but who has not committed any offence, and has not been offensive to public decency, is usually handed over to an inspector of poor or to relatives, to be cared for as his case requires. If he has committed an offence inferring danger to others, or is found in a state threatening danger to others or to be offensive to public decency, he is liable to be proceeded against as a dangerous lunatic under Section 15 of the Amendment Act of 1862. Such proceedings may be taken by the procurator-fiscal or inspector of poor or other person, but the usual applicant to the sheriff in such case is the procurator-fiscal. The sheriff holds a preliminary inquiry, and if the circumstances warrant, commits the person to a place of safe custody (almost always an asylum) and arranges for notice being given to all concerned, and inserted in a local newspaper, that an enquiry into the condition of the lunatic will be held on an early day. At this stage of the proceedings,

S. 15, 25 & 26 Vic., c. 54.

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unless the offence charged is of a grave character, the inspector of poor usually undertakes to provide for the patient being sent to an asylum, in which case further procedure under Section 15 is abandoned, and the order applicable to ordinary cases is given under Section 14 of the same Act, the only requirement being that the inspector of poor shall give ten days' notice to the procurator-fiscal before removing the patient if he has not recovered. If the case is of a grave nature the full proceedings under Section 15 may be gone on with, and a formal warrant is then given for the committal of the person, if found insane, to an asylum named, and for his detention therein "until cured or until caution shall be found for his safe custody," in which latter case the sheriff, if satisfied with proposed arrangements for the lunatic's safe custody, may authorise his delivery to the person finding security. But the procedure now followed for obtaining the liberation of unrecovered persons so committed is that laid down by Section 19 of the Amendment Act of 1866, namely, by authority of the sheriff on certificates of two medical persons, approved of by the procurator-fiscal, that the lunatic may be safely discharged.

S. 19, 29 & 30 Vic., c. 51.

S. 87, 88, 89 of 20 & 21 Vic., c. 71, S. 19-24 of 25 and 26 Vic., c. 54 and Criminal and Dangerous Lunatics (Scotland) Act, 1871.

*Criminal Lunatics.*

The Court of Session, the Secretary for Scotland, or the Sheriff may in certain cases order the confinement of criminal lunatics in asylums, and may in certain circumstances order them to be replaced in prison.

Army Act, 1881. Army Annual Acts, 1891, 1894.

*Lunatic Soldiers and Sailors.*

A lunatic soldier or sailor who is dangerous may be sent to the asylum for the parish to which he is chargeable under an Order of a Secretary of State.

Navy Enlistment Act, 1884.

*Disqualifications.*

S. 71, 20 & 21 Vic., c. 71. S. 4, 29 & 30 Vic., c. 51.

Medical Officers of asylums or their medical assistants may grant certificates of emergency and certificates of lunacy for commitment of pauper lunatics to the asylum under their charge, but in the case of private patients such officers can grant a certificate of emergency only. Certain further disqualifications attach to persons pecuniarily interested in an asylum, or closely related to persons so interested.

*Voluntary Boarders.*

S. 15, 29 & 30 Vic., c. 54.

A person who is desirous of submitting himself to treatment, but whose mental condition is not such as to render it legal to grant certificates of insanity in his case, may be admitted to any asylum as a voluntary boarder with the previous assent in writing of one of the Commissioners. A simple request for admission signed by the applicant, but in no prescribed form, is sufficient. Such a boarder cannot be detained for more than three days after giving notice of his intention to leave. If he is unfit to be discharged, his detention after expiry of the three days' notice requires the usual Order of the Sheriff, which cannot be granted on medical certificates by any medical person connected with the asylum.

AUTHORITY FOR DISCHARGE OF PATIENTS FROM ASYLUMS.

Persons in asylums, who have in the opinion of the Medical Officer recovered their sanity, are in the position of persons who are not lunatics, and they must accordingly be discharged on the authority of the Superintendent. There is however, no distinct provision in the Scottish Lunacy Acts with regard to the discharge of recovered patients, as Section 17 of the Amendment Act of 1862 deals rather with the case of patients who, though "so far recovered," are still more or less insane. But the Order of the Sheriff committing insane persons to asylums as dangerous lunatics under Section 15 of the Amendment Act of 1862 states that they are to be detained only "until cured," or, if still insane, not to be discharged until certain prescribed formalities have been gone through.

S. 17, 25 & 26 Vic., c. 54.

S. 15, 25 & 26 Vic., c. 54.

The ordinary authority for the discharge of an unrecovered private patient is the person at whose instance he is detained, or, in the absence of such person, his nearest known relative. This is not specially provided for in the Act, but may be inferred from the terms of certain provisions for their discharge other than at the instance of such persons, and for their transfer to other asylums.

S. 92, 20 & 21 Vic., c. 71. S. 16–17, 25 & 26 Vic., c. 54.

If the discharge is desired of a private patient not detained as a dangerous lunatic, but who is in the opinion of the Superintendent dangerous, the Superintendent must communicate the fact to the Procurator-Fiscal; but if the Procurator-Fiscal does not see cause to proceed against the patient as a dangerous lunatic, he must be discharged, if otherwise entitled to discharge.

S. 12, 29 & 30 Vic., c. 51.

The usual authority for the discharge of a pauper patient is a minute of the Parish Council of the parish chargeable with his maintenance.* If the Medical Superintendent regards him for any reason as unfit to be discharged he may appeal to the Board, who after investigation may either authorise continued detention or order discharge.

S.S. 9, 11, 29 & 30 Vic., c. 51.

When an inspector of poor or person at whose instance a lunatic is detained delays or refuses to remove him, after due notice and the transmission of a medical certificate that the patient may be liberated without risk, the Superintendent may report the facts to the Board, who, if satisfied after inquiry that the patient may safely be liberated, may order his discharge.

S. 17, 25 & 26 Vic., c. 54.

A lunatic, not being a person detained as a dangerous lunatic, may be discharged from an asylum by order of the Sheriff or of the Board, on certificates by two medical men, approved of by the Sheriff or the Board, that he has recovered or has so far recovered that he may be liberated without risk. Any person may initiate procedure under this Section, but the Board would not consent to its being carried out at the public expense in the case of patients who are known to the Commissioners to be beyond doubt unfit for liberation.

S. 92, 20 & 21 Vic., c. 71.

An unrecovered patient may be:—

(*a*) Transferred from one asylum to another with the sanction of the Board, obtained by application on a prescribed form with one medical certificate. Persons detained as "dangerous lunatics" may also be transferred in the same manner without alteration of the conditions under which they are detained.

S. 16, 25 & 26 Vic., c. 54.

(*b*) Liberated on leave for 28 days, or for three months when under care of an asylum officer or attendant.

S. 6, 29 & 30 Vic., c. 51.

(*c*) Liberated on statutory probation with the sanction of the Board for a period which the Board do not allow to exceed one year.

S. 16, 25 & 2 Vic., c. 54.

In the two last cases the Sheriff's Order expires at the close of the period of absence, if the patient is not before that time brought back to the asylum.

A pauper may be removed from Scotland to England or Ireland by order of a Sheriff or two Justices of the Peace under a Provision of the Poor Law which requires that such pauper shall be seen. This provision applies to all paupers, and when a pauper who is a lunatic is to be removed, his presence in Court is required in his capacity as a pauper, the Poor Law making no exception on the ground of lunacy.

There are several other ways (detailed fully in the Board's *Forty-seventh Annual Report*, p. xv.), in which under exceptional circumstances, an unrecovered lunatic may be discharged.

LUNATIC WARDS OF POORHOUSES.

*Licences.*

S. 4, 25 & 26 Vic., c 54.

Lunatic Wards of Poorhouses are licensed by the Board for the reception of pauper lunatics, to be admitted only with their sanction, under Section 4 of the Lunacy Amendment Act of 1862, which provides that "It shall be lawful for the Board to sanction the reception of pauper lunatics into the lunatic wards of poorhouses without the Order of the Sheriff, according to forms and subject to regulations approved of by the Board, and at any time to withdraw such sanction."

Such licences are given for the reception only of pauper lunatics who are not dangerous and do not require curative treatment in accordance with "Rules and Conditions" on which such wards are licensed, drawn up by the Board and approved of by the Secretary for Scotland. These conditions require that the accommodation for lunatics must be entirely separate and distinct from that occupied by ordinary paupers, and that separate grounds must be provided. They further deal with the medical supervision of such wards, the attendance required, the dietary of the inmates, and generally with all that concerns the good order and management of the establishment. The licence may be withdrawn if the requirements of the Board are not attended to. The wards are under the management of the Poorhouse Committee, and the governor of the poorhouse is in the position of superintendent. The Board do not require a resident medical officer unless the number for which the wards are licensed exceeds one hundred, which is the case at

*Mr. Spence subsequently (13th March, 1908) wrote that this refers solely to the discharge of *unrecovered* pauper patients.

present only in two instances. The Board require that sufficient land be attached to the wards to secure healthy outdoor occupation. They require the same statutory and other forms of registers and books to be kept in such wards, and notices of entries in them to be transmitted to the Board, as in the case of other establishments for the insane.

*Admission.*

Patients are admitted to lunatic wards of poorhouses upon papers in a prescribed form, consisting of an application by the inspector of poor, a statement by the inspector of poor of facts similar to those given in the case of patients admitted to asylums, a statement by the medical officer of the parish, or establishment from which the patient has been removed, giving such particulars with regard to the patient's mental and bodily state, conduct, and habits, as throw light upon the question of his fitness for such wards, and a medical certificate which must certify that the patient is "of unsound mind," and, further, that he "is not dangerous, is incapable of deriving benefit from treatment in an asylum, has no habits or infirmities which render care difficult, and is in a sufficiently good state of bodily health to be removed to the lunatic wards" named in the application.

If the Board are satisfied with the facts stated in the papers laid before them, sanction to the patient's reception is appended upon a simple form.

If the patient, when removal to such wards is proposed, is not an already certified lunatic, a second medical certificate is required. The great majority of the patients received into such wards are, however, removed to them from asylums, or from private houses where they have been residing as certified patients under sanction of the Board.

*Discharge.*

Pauper lunatics in such wards are discharged with the same formalities and in accordance with the same statutory provisions as are applicable to asylums.

INSTITUTIONS FOR THE CARE AND TRAINING OF IMBECILE CHILDREN.

S. 7, 25 & 26, Vic., c. 54.

Institutions for imbecile children are licensed by the Board under the following section of the Lunacy Amendment Act of 1862:—"It shall be lawful for the Board to grant licences to any charitable institution established for the care and training of imbecile children, and supported in whole or in part by private subscription, without exacting any licence fee therefor, and such licence may be in the name of the superintendent of such institution for the time being."

There are two such institutions licensed by the Board in Scotland:—

(1) "The Scottish National Institution for the Education of Imbecile Children," at Larbert, Stirlingshire, licensed for 270 children.

(2) "The Baldovan Asylum for the Treatment of Imbecile Children," at Baldovan, near Dundee, licensed for 160 children.

These institutions were founded and are maintained from private endowments, legacies, and subscriptions.

The former of these institutions is overcrowded at present, and the latter, though recently rebuilt and largely extended, is almost full.

Licences are given by the Board to these institutions under such conditions as they may lay down, and in the case of the institution at Larbert such conditions, dealing with the duties of officers, accommodation, and management, have been fully formulated.

The Board have fixed eighteen as the limit of age beyond which a child cannot be retained. There is no limit with regard to age at reception, and children have been admitted at the age of two years. The mental condition of the children ranges from bright, teachable imbecility, to complete idiocy.

The children received are classified into:—

(1) Children paid for by relatives or others at rates varying with the accommodation and food provided; (2) children elected by subscribers to the funds of the institution, and supported wholly or partially from such subscriptions; (3) pauper children paid for by the parishes which send them.

In the case of every child admitted the Board require a statement to be filled up by the person applying for the child's admission, giving the usual particulars as to the child's parentage, previous history, bodily condition, habits, etc. In the case only of pauper children the Board require in addition an application for their sanction accompanied by two medical certificates that the child is "of unsound mind," and "is capable of deriving benefit from training and treatment in the institution." It is followed by a formal sanction to admission, if no reason exists to the contrary.

*T. W. L. Spence, Esq.*

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Each institution is under the charge of a Board of Directors, a resident superintendent (who is at present in both cases non-medical), and a non-resident medical officer, who attends daily.

Parish councils sending children to be trained in such institutions are entitled to make claims on their account on the Grant in Aid of the Cost of Maintenance of Pauper Lunatics. This is a highly important provision, because parish councils are under no obligation to send imbecile children to such schools, and if the Grant were not given, they would probably prefer to dispose of them in some other manner not involving loss of the Grant.

The average number of children resident in 1904 in the two institutions was 416, of whom 267 were males and 149 females; of these, 175 (114 males and 61 females) were private and elected pupils, and 241 (153 males and 88 females) were paupers. The average number of admissions during the past five years has been 93, the average annual number of discharges 53, and the average annual number of deaths 37, of whom 11 were private and elected pupils and 26 paupers, giving a death-rate, on the average number resident, of 6·3 per cent. among the former class, and 10·8 per cent. among the latter.

PRIVATE DWELLINGS.

S. 5, 25 & 26 Vic., c. 54.

Not more than one insane person can be legally received into a private dwelling unless its occupier holds a special licence from the Board for the reception of a large number, which, however, cannot exceed four patients. Application for such licences is on prescribed forms differing somewhat to suit circumstances when private or when pauper patients are to be received. The term "licensed houses" used in the Act has given rise to the impression that such houses are in some sense "asylums," or at least "establishments" for the insane. The licence of the Board in these cases is, however, practically not more than a written permission to receive a specified number of patients (never at first exceeding two) after the Board have had assurance that the proposed guardian is a suitable person to have care of the insane, and that the accommodation of the house is sufficient. Among conditions as to forms, etc., on which such licences are given, the Board require that the reception of every boarder, not being a lunatic, shall be notified as in the case of a lunatic. Otherwise these houses differ in no respect from other private dwellings in which only one patient is boarded. In the case of every patient the sanction of the Board to reception must be separately obtained. The forms of application for such sanction are the same, whether the patient is to be boarded singly or in a house with others.

*Private Patients.*

S. 14, 29 & 30 Vic., c. 51.

Insane persons may be kept for gain, that is, as boarders, in private dwellings singly, under an Order of the Sheriff, in accordance with the forms and procedure required in the case of ordinary committal to asylums, or they may be kept in such houses, without an Order of the Sheriff, singly or to a number not exceeding four, with the sanction of the Board given on a form of application which the Board prescribe. Petition to the Sheriff in such cases has fallen into disuse, application to the Board being simpler and less expensive, and the sanction of the Board being in any case necessary to the continued residence of insane persons kept for profit under private care.

The occupier of a private dwelling cannot keep a lunatic, though not kept for gain, beyond the period of one year, if compulsory confinement or restraint or coercion is required, unless with the Order of the Sheriff or sanction of the Board; and if it comes to the knowledge of the Board that any insane person in a private dwelling, though not kept for gain, has been subjected to compulsory confinement to the house or to restraint or coercion of any kind, at any time beyond a year after the commencement of the malady, or has been subjected to harsh and cruel treatment, the Board may apply to the Sheriff, under a procedure similar to that followed in

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the case of dangerous lunatics, and the Sheriff, if satisfied on the points alleged, may issue an Order for the transmission of the lunatic to an asylum, and for his detention there until such time as the Board shall sanction his discharge.

Schedule G, S. 41, 20 & 21 Vic., c. 71, and S. 13, 29 & 30 Vic., c. 51.

Persons suffering from incipient or temporary mental disorder may be kept in private dwellings for gain without any authority, provided a medical certificate is granted as follows:—That the patient "is affected [nature of disease] but that the malady is not confirmed, and that I consider it expedient, with a view to his recovery, that he should be placed [specify house in which patient is to be kept] for a temporary residence of [specify a time not exceeding six months]." The Act imposes no restriction upon the number who may be so received, nor does any notification require to be made to the Board when such certificates are granted.

*Pauper Patients.*

S. 95, 20 & 21 Vic., c. 71.

Section 95 of the Lunacy Act of 1857 contains a provision to the effect that all pauper lunatics must be removed to the asylum serving the Lunacy District to which they belong, *unless the Board shall sanction their disposal otherwise.* It is the provision briefly summarised in the words italicised which brought the Board into official relations with all pauper lunatics wherever placed, and which enabled them to permit such pauper lunatics as could properly be provided for in private dwellings to be so disposed of.

S. 5, 25 & 26 Vic., c. 54. S. 13, 29 & 30 Vic., c. 51.

Pauper patients are kept with the sanction of the Board in private dwellings, either with relatives or unrelated persons, and either singly or in numbers not exceeding four.

S. 9, 29 & 30 Vic., c. 51.

They may either be removed from establishments for the insane to private care, or may be left under such care on becoming chargeable, without having been in an asylum or other establishment. In the former case no medical certificate is required beyond a statement by the principal medical officer of the establishment on a prescribed form, to enable the Board to judge of the patient's fitness for such a mode of care. In the latter case (the patient not being already certified), two medical certificates and other particulars on prescribed forms must be presented with the application.

The Board may at any time withdraw their sanction to the residence of a pauper lunatic in a private dwelling and order removal to an asylum or other establishment, or to another house and guardian.

The form of the medical certificates is as regards the certification of lunacy somewhat similar to that prescribed by the Act in the case of patients received into asylums, but they must state in addition that the patient "does not require, either for his own welfare or the public safety, to be placed in an asylum, and is a proper person to be detained under care and treatment in a private dwelling," and further, that "the circumstances in which the patient will be placed are suitable and sufficient for his proper care and treatment."

Pauper lunatics in private dwellings are visited at least once a year by a Commissioner or Deputy Commissioner. The visit is repeated when occasion calls for it, and in the case of many aggregations of patients boarded in villages, at least two visits a year are regularly paid. The inspector of poor must visit half-yearly, and a local medical officer quarterly, and these local visits must be recorded in a Visiting Book kept in the patient's house. The reports of the Deputy Commissioners are entered on a Case Record kept for each patient at the office of the Board, on which is recorded all such reports with minutes in reference to them, a summary of the leading facts of the patient's history, and a *précis* of all correspondence regarding his case. The past history of each patient can thus be at once fully traced.

PATIENTS WHOSE ESTATES ARE UNDER THE MANAGEMENT OF THE COURT.

S. 17, 29 & 30 Vic., c. 51.

The Accountant of Court returns to the Board the names, places of residence, and amount of estate of all lunatics having judicial factors, that is, all mentally disabled persons to whom a curator *bonis*, tutor-at-law, or tutor-dative has been appointed by a Court of Law. At 1st January, 190-, there were 1,017 persons so reported, of whom 653 were resident in asylums in Scotland, 305 in private dwellings in Scotland, and fifty-nine beyond the jurisdiction of the Board, being either in asylums or under private care in England, Ireland, the Colonies or in foreign countries. A curator *bonis* is appointed either by the Court of Session, or in cases where the annual income does not exceed £100 per annum, by the Sheriff Court.

The Visiting Commissioners are furnished with the names of all such persons and a statement of their means, which is revised from time to time. Special reports are made on those in asylums from time to time, when circumstances call for such, and all those under private care are visited once a year or oftener, unless for special reasons visitation may be undesirable. The Board keep a Case Record for each curatory patient, on which is entered reports, minutes, and a *précis* of correspondence regarding the Ward and his estate.

Some of those so returned to the Board are persons in the position of being kept for gain, and therefore fall under the provisions applicable to private patients so kept, but many of them are not certified under the Lunacy Acts, either because they are resident in their own houses or are otherwise not kept for gain, and are therefore, in the matter of lunacy alone, not under the jurisdiction of the Board, though, as curatory patients, visited or subject to visitation by the Commissioners; or because, though they might otherwise have fallen under the Board's jurisdiction, they are able to take care of themselves, or are suffering from mental disability in forms so slight as not to call for, or justify, formal certification under the Lunacy Acts.

If the care of a lunatic having a judicial factor is deemed by the Board to be unsatisfactory they may apply to the Court of Session to take steps for his improved care and treatment. S. 17, 29 & 30 Vic., c. 51.

When the property of any lunatic is not duly protected the Board may report to the Lord Advocate, who may apply to the Court for the appointment of a Judicial Factor (curator *bonis*). S. 81, 20 & 21 Vic., c. 71.

When the property of a lunatic under a Judical Factor is not applied to his due maintenance the Board may report to the Lord Advocate, who may apply to the Court of Session to investigate the matter and take such measures as may be necessary. S. 82, 20 & 21 Vic., c. 71.

COMPULSORY POWERS OF THE BOARD.

In addition to the duties and powers of the Board described or alluded to in previous sections of this statement, it is necessary to mention certain others which are exercised either through application to other authorities, or through imposition of penalties, or through withholding licence or sanction, or by independent or direct action.

The main provisions of this kind are the following:—

(a) *Powers Enforced by Application to and Consent of Judicial Authorities.*

(1) In case of any obstruction arising in the execution of the Act, or refusal or neglect of County Councils or Magistrates of Burghs to do what is required of them under the Act, the Board may apply by Summary Petition to the Court of Session. S. 72, 20 & 21 Vic., c. 71.

(2) If a District Lunacy Board do not take steps to provide adequate accommodation the Board may, with the authority of the Secretary for Scotland, apply to the Court of Session, who may appoint a person at whose sight all powers and duties of the District Board may be performed at the expense of the District Board. S. 9, 25 & 26 Vic., c. 54.

(3) If any asylum or house is certified by two medical persons to be unsuitable for the confinement of any lunatic, any of the Commissioners may apply to the Sheriff for an Order to remove him to some other asylum or house. S. 91, 20 & 21 Vic., c. 71.

(4) If an Order or medical certificate on which a patient is received is found to be incorrect or defective and there is failure to amend it within twenty-one days, the Board may report such failure to the Sheriff, who, if satisfied that the Order or medical certificates are incorrect or defective, may recall the Order. S. 5, 29 & 30 Vic., c. 51.

(b) *Powers Enforced by Suing for Penalties.*

(1) The Board may make rules and regulations in regard to books or minutes to be kept in all asylums or houses, and may enforce them by a penalty, for each infringement or violation, not exceeding £10. S. 9, 20 & 21 Vic., c. 71. S. 20, 29 & 30 Vic., c. 51.

(2) The Board may with concurrence of the Lord Advocate compel witnesses to appear and give evidence under a penalty of £30. S. 11, 20 & 21 Vic., c. 71.

S. 39, 20 & 21 Vic., c. 71. (3) The Board can compel the licensing of asylums or houses kept for lunatics, and enforce observance of the law with regard to Orders of reception, by a provision which prevents the sending of lunatics to unlicensed houses, or the sending of them to or keeping them in any asylum or house without an Order, where an Order is by the Act required, under a penalty not exceeding £100, or imprisonment for a time not exceeding twelve months.

S. 48, 20 & 21 Vic., c. 71. (4) The Board may order the admission of a friend or relative or others to a patient confined in any house or asylum, and enforce their Order under a penalty of £20.

S. 101, 20 & 21 Vic., c. 71. (5) Any person wilfully making any false statement or return or report, or a false representation upon any plan or writing, or who shall refuse to give information required of him by the Act, or shall conceal or refuse to divulge any matter or thing as to which inquiry under the Act shall be made, shall be guilty of an offence and be liable to a penalty not exceeding £100 or imprisonment for a period not exceeding twelve months.

S. 112, 20, & 21 Vic., c. 71. (6) An inspector of poor is liable in a penalty of £10 for failure to report cases of pauper lunacy occurring within the parish, as required by the Act.

S. 10, 29 & 30 Vic., c. 51. (7) The Board can compel inspectors of poor to give particulars of the removal of pauper lunatics from asylums under a penalty of £10; and can, under a like penalty, compel the replacement in asylums of pauper lunatics so removed.

S. 13, 29 & 30 Vic., c. 51. (8) The Board can compel a person who keeps any lunatic permanently for gain to obtain their sanction or the Sheriff's Order under a penalty of £20.

S. 13, 29 & 30 Vic., c. 51. (9) Any medical person making a false entry of a medical visit under the Board's regulations to a patient resident in a private dwelling under an Order of the Sheriff, or sanction of the Board, or who makes such entry without having visited the patient within seven days of making it, is liable in a penalty of £10.

(c) *Powers Enforced by withholding or withdrawing Licence or Sanction.*

S. 9, 20 & 21 Vic., c. 71. S. 3–4, 25 & 26 Vic., c. 54. (1) The Board may make rules and regulations for the good order and management of private, district, and parochial asylums, and lunatic wards of poorhouses, and may "enforce such rules and regulations by forfeiture of licence."

(The Board also make rules and regulations for district asylums, but, as they are not licensed, this means of enforcement is not available in the case of such asylums.)

S. 52, 20 & 21 Vic., c. 71. (2) The approval of the Board must be obtained to the plan, specification, estimate, and site, of a district asylum, and they may enforce their views by withholding approval as to these particulars.

S. 73, 20 & 21 Vic., c. 71. (3) The Board enforce their views as to the rate of maintenance for pauper lunatics in district asylums by withholding their approbation to a rate which they consider improper.

S. 80, 20 & 21 Vic., c. 71. S. 8, 25 & 26 Vic., c. 54. (4) Agreements or arrangements for the reception of pauper lunatics into asylums as boarders can only be made with the sanction of the Board, and private patients can only be received into district asylums with their sanction. The Board can, by withholding sanction, prevent the reception of pauper lunatics from alien districts into district asylums, or the reception into such asylums of lunatics not paupers, and they may withdraw sanction and require the removal of such patients.

(d) *Powers of Direct or Independent Action.*

S. 42, 20 & 21 Vic., c. 71. S. 18, 29 & 30 Vic., c. 51. (1) The Board may transfer a lunatic from a house where he is being improperly treated to another house or to an asylum at the cost of the lunatic's estate or of the party or parish liable for his maintenance.

S. 92, 20 & 21 Vic., c. 71. (2) The Board, on being satisfied by the certificate of two medical persons whom they may think fit to consult, of the recovery or sanity of any person confined as a lunatic, may order his liberation.

S. 18, 25 & 26 Vic., c. 54. (3) If a Parish Council neglect to make provision for a pauper lunatic within twenty-one days after being called upon to do so, the Board may themselves take the necessary measures, and may recover expenses from the Parish Council

*Grant in Aid of the Cost of Maintenance of Pauper Lunatics.*

In addition to the powers of the Board under the Lunacy Acts mentioned above, they possess, in their power of giving or withholding the Pauper Lunatic Grant, an exceedingly effective means of enforcing their views, especially in the case of patients under private care, where reforms thought by the Board necessary might have been resisted or inadequately carried out. This grant applies to all pauper lunatics wherever provided for, all such being under the control of the Board. The amount and method of distribution of the grant are described in a document separately furnished to the Commission at their request.

*General Effect of Compulsory Provisions.*

The general effect of the compulsory provisions enumerated above is that the greatest power of enforcing views as to care and treatment is given to the Board over those lunatics who are provided for in private asylums, in lunatic wards of poorhouses, and in private dwellings, that is, about 5,000 lunatics of the 17,000 on the Board's register.

Over the 12,000 lunatics provided for in Royal and district asylums the power of the Board to enforce their views as to accommodation, care, and treatment is comparatively limited, as the power of making rules and regulations, even if it were not confined to district asylums, could not be drawn so as to cover all cases that might arise. The recommendations of the Board are, as a rule, willingly and promptly met; but although the accommodation in such asylums might in the opinion of the Board be inadequate, the food of inferior quality, the water supply insufficient, or the drainage system in need of overhaul, if a District Lunacy Board or a Board of Directors thought otherwise, the Board would have no immediate means of causing acceptance of their views beyond the weight of their opinion, advice, and comments, supported by the power of making their reports public. This latter is a power of great efficacy, and in most cases is sufficient, though in the matter of prevention of overcrowding of asylums the Board have sought to have their control put upon a more definite footing.

The Board seldom, even in cases where they possess compulsory power, require to resort to it, and they never do so until efforts have been made to attain their object otherwise. But the existence of compulsory powers are of great value, as the knowledge that such powers exist exerts a powerful influence both in securing observance of statutory requirements and in enabling the Board to effect at once what otherwise might have been effected with difficulty.

CONTRAST BETWEEN THE LUNACY LAW OF ENGLAND AND OF SCOTLAND.

There is no room in such a statement as this to draw more than a brief and general comparison between the Lunacy Acts of England and of Scotland, even if I were competent to do so. The Scottish Act of 1857 was in its general outlines modelled upon the English Act of 1845, though it is in essential respects quite different, and the English Act of 1890-91 in some of its provisions adopted the "principle of the Scottish procedure with somewhat fuller elaboration of details." The aims of both Acts are in many respects the same, but the powers given to the central controlling body appear to be far from co-extensive, and the procedure for attaining these aims differs in important respects. The following seem to be the more outstanding of the contrasts between the two systems of lunacy administration:—

The Scottish Board has full oversight and control not only of all private patients who come under the provisions of the law but of all pauper lunatics without exception, however they may be provided for. Their powers of control over lunatic wards of poorhouses and private dwellings in which pauper lunatics are maintained, and their information with regard to each individual patient so provided for, are even more complete than in the case of those provided for in asylums.

In the case of the English Board the power over the management and accommodation of lunatics in workhouses seems comparatively small, while over pauper lunatics in private dwellings they appear to have no means of effectively exercising any control or of being accurately informed as to how such patients are being cared for and treated.

In England the visiting committee of an asylum may arrange for the removal of pauper patients to workhouses or to the care of their friends, and such patients remain on the books of the asylum.

The District Board in Scotland has no such power. That power is vested in the parish council responsible for

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been in institutions. Without such a staff the complete the patient's maintenance, and can only be exercised (if the patient is fit for discharge) subject to the sanction of the Board to the manner in which he is to be provided for, if he remains a pauper, or, if not, subject to the parish council being satisfied that he will be satisfactorily cared for by the relatives who undertake to maintain him. If he remains chargeable he may be sent either to the lunatic wards of a poorhouse or to private care, with related or unrelated guardians, always subject to the sanction of the Board and to their inspection. This provision could not be carried out without such adequate arrangements as exist in Scotland for the patient's subsequent local and governmental inspection and control. The patient on discharge (after, it may be, but not necessarily, a period of probation not exceeding one year) is entirely free from the asylum. He passes under the management of the parish council and can only be replaced in the asylum on a Sheriff's Order obtained in the usual way. The discharge to private care of pauper lunatics in licensed wards of poorhouses is precisely on the footing described as regards discharge and removal to the care of related or unrelated guardians, or of relatives who satisfy parish councils that they can provide for them properly without parochial aid. In the last-named case the patient passes both beyond the jurisdiction of the parish council and of the Board.

The provisions for Orders of reception are very much more complicated in the English law than in the Scottish, the committing authorities being in England various, and a distinction being made between private and pauper patients. Apparently the justice committing a pauper patient has power to determine whether he shall be sent to a workhouse.

In Scotland the one sole authority for commitment to asylums is the Sheriff. He is a well-known high legal authority, and there is no doubt that a patient's knowledge that he has been confined on the Order of a Sheriff has a weight which tends to pacify him by giving him assurance upon the point of the legality of the steps taken for his care. At the same time, the Sheriff's function is rather administrative than judicial. He sees that there is no ground to object to the petitioner, that the prescribed forms have been complied with, and that the two medical certificates are in terms such as afford reasonable evidence that the subject of the petition is insane. If he is not satisfied on these points the Order is refused. There is nothing to prevent him having the patient brought before him if for any reason he should think fit; but he does not do so, and would not be likely to do so for the purpose of determining the patient's lunacy, as that would put him in the false position of acting as a medical examiner. If the patient thinks himself wronged on admission, he has the remedy of at once petitioning the Board or the Sheriff to take steps for his release. No distinction is made between private and pauper patients as regards forms of admission to asylums. If a patient is not sent to an asylum, the sole judge of the manner of his disposal otherwise is the Board, who may sanction or not sanction some other way of providing for him.

In Scotland the Board exercises absolute power with regard to the licensing of all private asylums and the withdrawing of their licence.

In England this power seems to be possessed by the Commissioners only in the case of Metropolitan Licensed Houses.

The Board in Scotland grant licences to wards in poorhouses set apart for lunatics and withdraw such licenses under the same conditions as in the case of private asylums. No insane person can be received into such wards without their sanction.

In England such wards or corresponding institutions are not licensed by the Commissioners, and they do not appear to have power to regulate the class of patient sent to them.

In England plans for the erection or extension of asylums agreed upon by a Visiting Committee, must have the approval of the local authority and also the approval of a Secretary of State. The function of the Commissioners in Lunacy is thus apparently limited to reporting on the plans and estimates to the Secretary of State, who also decides differences between local authorities as to whether any plan, estimate, &c., should be approved.

In Scotland the Board is the supreme and only authority in connection with the plans of district asylums. The plans are prepared at the instance of district boards, but the power of the Board to accept or reject makes it necessary that any scheme of asylum erection or extension should first be laid before them, and the local architect is merely called in eventually to carry out arrangements already fully considered and agreed upon as desirable. In a matter which so intimately concerns the medical treatment and means of classification, the importance of the Board's power in this matter cannot be overestimated. To this power alone, exercised in the light of the Commissioners' extensive experience, has been due most of the improvements in asylum design which have been carried out in Scotland.

In England agreements of local authorities to unite for lunacy purposes is made by the authorities concerned, with the ultimate approval of the Secretary of State, the Commissioners in Lunacy having apparently no voice in the matter.

In Scotland the power of combining, altering, and varying Lunacy Districts is committed to the Board on a local application being made to them, and they have power to make all necessary regulations consequent on such changes, though the exercise of such powers has ultimately to receive the sanction of the Secretary for Scotland.

In England contracts between local bodies for the reception, care, and treatment of lunatics are carried out by such bodies with consent of a Secretary of State, the Commissioners in Lunacy having apparently no statutory control in the matter.

In Scotland all such contracts must be made with the sanction of the General Board of Lunacy.

In certain other matters, such as the power of keeping persons for a limited time under private care, for medical treatment of incipient mental disorder, and the arrangements for reception into asylums of voluntary boarders, the English law introduces complications or restrictions which do not exist in the Scottish Acts on these subjects. Experience has shown that these restrictions are not necessary in Scotland where their adoption would be regarded as being likely to deprive these provisions to a great extent of their usefulness.

An important difference affecting lunacy administration between the law and practice in England and Scotland, lies in the fact that it has been established in Scotland by decisions of the Court of Session that parochial relief granted to an insane wife or child on account of lunacy does not pauperise the husband or father; whereas in England it is understood that relief granted on account of lunacy pauperises the applicant. The decisions of the Court of Session on the subject deal with cases in asylums, and rest upon the consideration that the cost of providing for an insane member of a family is beyond the means of a working man, and that the isolation of an insane wife or child is compulsorily effected rather in the interest of the community than of the husband or father. But the rule applies in practice also to cases in which the Board have agreed to dispense with the patient's removal to an asylum and have sanctioned instead some other arrangement for his or her proper care and treatment.

It is recognised that the Scottish Acts are in many respects defective. *There has been no Consolidation Act and no Amendment Act since 1866 of any administrative importance beyond an Act passed in 1891 to restore powers of altering Lunacy Districts which were accidentally lost on the passing of the Prisons Act of 1887. The general scope of the Scottish Acts cannot therefore be easily apprehended without an intimate knowledge of their working. Their defects are, however, rather defects of detail than of principle. The English Acts have in many respects the advantage, such, for instance, as in the power of making regulations for hospitals (in Scotland Royal Asylums) and of restricting the numbers received into such institutions, in the power of providing accommodation for private patients in county asylums, and in the provisions for granting pensions to the officers and attendants in such asylums.

It is also clear that many of the matters which seem least satisfactory in the English Acts are due to the limited control of the English Board, and especially to the absence of a staff for the inspection of pauper patients who pass out of care in institutions, or who have never

*Mr. Spence subsequently sent in a statement of certain points in regard to which the General Board of Lunacy in Scotland thought that amendment of the Lunacy Acts (Scotland) would be desirable, and this is printed in the Appendix Papers p. 328c *post*.

supervision of the insane in England is impossible, and this grave defect in the arrangements for supervising the insane poor occurs in the case of those lunatics who, above all others, require Governmental supervision.

IMBECILES.

Though the term "imbecile" is excluded from the definition of "lunatic," a large proportion of lunatics at all ages on the register of the Board are congenital imbeciles, that is persons showing congenital mental defect to a much less degree than that to which the term "idiot" could be properly applied.

These imbeciles under the inspection and control of the Board as "lunatics" may be found in any of the establishments for the insane and in large numbers under private care.

There are in Scotland only two training schools for imbecile children namely those at Larbert and Baldovan. There is a separate building for children at the Glasgow District Asylum, Woodilee, but that forms part of the asylum and the children in it (who are supposed to be incapable of deriving benefit from training in a training school for imbecile children) are certified as lunatics and received under the usual Sheriff's Order. There is no limit as to the age to which they may be kept in this portion of the asylum, and the superintendent is of course free at his discretion to remove them to any other part of it.

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In addition to what is being done by the two licensed training schools, work of a similar character is being performed by the education authorities at Glasgow, and possibly elsewhere, though in the schools for defective children the inmates are not boarders but day pupils. The mental condition of these children seems to differ little, if at all, from those at Larbert. The children seen were not likely ever to become self-supporting, and most, if not all, of them could have easily been certified as suitable for Larbert institution, though, in so far as they may have been the children of respectable parents, their removal to an institution such as Larbert would have been no gain to them but in all likelihood a loss.

The great majority of children who are not self-supporting and who belong to the poor classes come in later life on the register of the Board. During the five years 1900–1904, there were discharged from the institutions at Larbert and Baldovan 109 privately supported children (56 males and 53 females) and 147 pauper children (97 males and 50 females). The manner of disposal of these children has been analysed with the following result:—

PRIVATE PUPILS.

| *Of fifty-six males discharged.* | *Of fifty-three females discharged.* |
|---|---|
| Forty-nine went home. | Fifty-two went home. |
| Two were boarded with the Board's sanction under private care. | One was removed to asylum. |
| Three were removed to asylums. | |
| One went to England (Whitehaven Union Workhouse). | |
| One was removed to another institution (to Baldovan from Larbert). | |

PAUPER PUPILS.

| *Of ninety-seven males discharged.* | *Of fifty females discharged.* |
|---|---|
| Thirty-four were removed from the poor roll and went home. | Fifteen were removed from the poor roll and went home. |
| Twenty were provided for with Board's sanction in private dwellings. | Eleven were provided for with the Board's sanction under private care. |
| Thirty-eight were removed to asylums or lunatic wards of poorhouses. | Twenty were removed to asylums or lunatic wards of poorhouses. |
| Three were transferred to another institution (to Baldovan from Larbert). | One was placed in the ordinary wards of a poorhouse. |
| One was placed in the ordinary wards of a poorhouse. | Two remained in institution as servants. |
| One remained in the institution as a help. | One was provided for as a domestic servant to a person approved of by the parish council. |

It will be seen from this statement that of the ninety-seven male pauper children discharged thirty-four passed for the time being out of official cognisance, while sixty-three were definitely disposed in ways which left them permanently under local or official control. Of the fifty female pauper children discharged, fifteen went home and cannot further be traced meantime, while thirty-five were provided for by removal to asylum or to supervised private care, or were otherwise disposed of in some definite and approved manner. Many of the thirty-four males and fifteen females who were taken home will probably eventually from some cause or other reappear on the register of the Board. But so long as they show themselves fit for home life, are under the guardianship and control of respectable relatives, and are not a source of annoyance to the public, there would not be the slightest excuse for interference with them on the part of the State.

The Census Schedule for 1901 added the words "feeble-minded" to "imbecile" used in former Census Schedules. This addition, though it can have produced no results of any value as regards the number of the class which is not at present regarded as certifiable, is nevertheless of value in giving an improved indication of the number of persons of the class officially known as "lunatics." It may, I think, be confidently taken that no persons, young or old, have been entered in these returns as "imbecile or feeble-minded" who are not in a mental state which could readily be certified as a state of lunacy; and there is strong evidence that the addition of "feeble-minded" has led to the return of many such persons who would otherwise have been returned as sane. It is therefore hoped that no change will be made in future in the words now standing in the Schedule as the terms "lunatic" and "imbecile, feeble-minded" all serve a purpose in obtaining a nearer approximation to the total number of persons in the country who are officially known as "lunatics." It should, however, be recognised that the figures returned under "lunatic" and "imbecile, feeble-minded" produce no results which are of any

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value as a classification, or which would be otherwise than misleading if they were taken as showing the relative numbers of these classes of the insane. The total result arrived at is no doubt a very imperfect result, but it is the best we are likely to obtain, and for this reason I am strongly of opinion that the wording of the present Census Schedule as describing mental state should not again be altered. I should, however, add that the words "from childhood" used in the Schedule are, as regards the mentally defective, quite valueless and even misleading, and it would be an improvement on the Schedule if their applicability were confined to the deaf and blind.

In the 44th Report of the General Board of Lunacy, an effort was made to ascertain from the Census Returns the number of congenital imbeciles in Scotland under twenty years of age with the following results. It was in the first place found that parents will not as a rule recognise—or at all events return—children as mentally defective who are under the age of about ten years. The returns under that age are consequently to a large extent blank, though the imbeciles under ten years of age must of course have been very numerous. The results therefore include mainly those aged from ten to under twenty. The number of persons between these ages in asylums suffering from acquired insanity was ascertained and deducted, and it was found that the remaining number of congenital imbeciles under twenty years of age belonging to Scotland, included in the Census Returns, was 2,012. Of these 619 were on the Board's register as resident either in institutions or under private care, leaving a balance of 1,393 not known to the Board. These are under the home care of relatives, either of the wealthy class or of persons who though poor are sufficiently well off not to require public aid in maintaining their imbecile children. Both the Board and the parish officials have many ways of knowing when such children are not properly cared for, and nothing has occurred in the experience of the Board to show that their condition in Scotland is as a rule such as to call for interference by the State. But it should be kept in view that I am speaking only of such as are obviously and beyond doubt imbeciles who could without difficulty be certified as of unsound mind if occasion arose for their being so certified. There are unquestionably many weak-minded or abnormally—constituted persons, young and old, who would never appear as imbeciles or feeble-minded in the Census Returns. The difficulty is that the less mentally defective such persons are the greater becomes the difficulty of dealing with them under the existing lunacy or other laws, and the greater becomes the likelihood of their being a danger to the community.

No alteration of the lunacy law would be advisable which would have the effect of admitting to asylums, without the usual certification of insanity, persons whose previous conduct may have given proof of their being defective mentally or morally, but who could not be certified as lunatics under the present law; or which would have the effect of retaining such persons in asylums after they are regarded by the medical superintendent as recovered. Though insanity cannot be defined, its meaning and practice is at present fairly well understood both by medical superintendents of asylums and by general practitioners. To legislate so as to disturb that understanding would create general confusion of thought and would go far to destroy the foundation upon which the fabric of lunacy legislation may be said to rest, which is, that a person cannot be admitted to an asylum unless certified to be insane, and cannot be detained in an asylum after recovery has in the opinion of the medical superintendent or principal medical officer of the asylum, taken place. Such legislation would be an injury to the interests of those who are admittedly lunatics in the popular sense; and it would, I believe, fail in its object, because whatever scientific theories may be held, and rightly held, with regard to the irresponsibility and mental or moral deficiencies of certain persons not certifiable as lunatics, legislation which should attempt to deal with such persons as lunatics would not have public opinion with it, and in public opinion, I include the opinion of the ordinary medical practitioner.

It will hardly be suggested that all mentally and morally defective persons coming within the purview of the Commission could be relegated to asylums. The widening of the lunacy law would, therefore, only secure provision for some of the persons whose isolation is regarded as desirable; but the breaking up or serious disturbance of the existing lunacy law would be too great a price to pay for a partial and more or less experimental measure of the kind. Some other method of isolation would still be necessary for some persons; while the difficulty of consistently determining which of these defective persons were suitable for asylums and which for some other mode of isolation would be found insuperable in practice.

20791. (*Dr. Dunlop.*) I gather from your statement that your great conclusion is, one authority for all lunacy?—One authority.

20792. In Scotland at the present moment there is no administrative difference between congenital lunacy and acquired lunacy, and it is most undesirable to have it?—Quite undesirable.

20793. There is also no difference made between the different grades as regards authority; as soon as they require care and treatment they come under the one Board?—They come under the one Board.

20794. What do you think would be the result of a division into two authorities, would it not be apt to lead to cases falling between two stools?—Undoubtedly it would. The advantage of the present system is that if a patient is not sent to an asylum, the Board can specify where he is to be sent, and no second authority interferes with it.

20795. We have been told a good deal in the matter of certification. Can you tell us a little about the interpretation of what certification is in Scotland? Is it a medical procedure or a legal procedure?—It is a medical procedure.

20796. The Sheriff's warrant is not part of the medical certificate, is it?—No.

20797. The Sheriff has a free hand to criticise it, has he not?—Quite.

20798. Is it the case that he does not necessarily read and consider the details of the certificate?—I suppose he reads the certificate; we have no knowledge of what happens but I believe he rarely finds anything wrong. If there were absolutely no statement in the certificate that implied lunacy at all, I have no doubt he would require such a statement to be made.

20799. Is it the ordinary custom that the Sheriff has to be satisfied that the case has the two medical certificates?—If he sees two medical certificates which upon a reasonable construction appear to be certificates of insanity, he grants an Order without further inquiry.

20800. Are you aware that in England a justice has to consider the facts observed at the time of examination and decide the validity of the certificate by that?—That is not the case in Scotland.

20801. Such a limitation of the power of certification would be most undesirable?—Most undesirable.

20802. In dealing with a lunatic patient, or a defective patient—because we cannot talk about the one when dealing with Scotland without talking about the other—there are two things necessary or unnecessary in some cases, one is the certificate and the other is the detention order?—Yes.

20803. It would be simpler to take them up separately. Can you tell us in what instances a double medical certificate is required?—A double medical certificate is in all ordinary cases required for the certification of lunatics for committal to an asylum.

20804. But it is not required in all cases is it—voluntary inmates may go to asylums?—Voluntary inmates may, but they are not lunatics.

20805. Criminal lunatics?—Criminal lunatics may.

20806. There are no certificates there?—There are no certificates there, but they are not under our Board quite in the same sense as the others.

20807. Imbeciles in training schools when they belong to the monied class and are paying their way?—There is no certificate at all.

20808. There has never been any difficulty in regard to that?—No; the institutions are licensed, the children are all seen, and we register all their names, and a list is given to the Commissioner who visits and he sees them all.

20809. The institutions are licensed and inspected?—Yes.

20810. And that thoroughly well meets the situation ?—Thoroughly.

20811. There is no occasion to certify a child ?—No.

20812. There is no more necessity for certifying for powers of detention in an imbecile school than there is in the case of a boy at Eton or Harrow ?—No.

20813. Another class of institution where there is no certificate required is the observation ward ?—That is not under our Board.

20814. It is approved by your Board, is it not ?—It is quite a recent thing. The rules are not yet issued by the Local Government Board, but it has been arranged that the Lunacy Commissioners are to visit them; they have the right to visit them when they choose, uch wards being part of a poorhouse. It has been arranged that the Commissioners shall definitely visit these wards at least twice a year.

20815. In your Board's opinion, and in your personal opinion, the observation wards are most desirable institutions and there is no reason for certification ?—No, none. Certification would spoil the object of the ward altogether, which is to avoid certification.

20816. In fact, a large number of lunatics can be thoroughly well dealt with without a medical certificate at all ?—Quite well.

20817. Those who are going into an asylum have to be put into an asylum as an ordinary case ?—Yes.

20818. Is there any difference made between the certification of pauper lunatics and paying patients ?—None.

20819. They are put in under the same certificate and the same procedure ?—Yes.

20820. The justice of the peace has nothing to do with the certification ?—No.

20821. The Sheriff is a high legal authority ?—Yes.

20822. The Sheriff is never called upon to see pauper patients in Scotland ?—Never; with one small exception, when they have to be sent to another country under the Poor Law.

20823. That is not ordinary procedure ?—No. At present a lunatic being a pauper has in such circumstances to be brought into Court. The Sheriff, I understand, does not examine him.

20824. Pauper lunatics have to be brought into Court and so on ?—Yes.

20825. In the ordinary case there is no difference in the certification of a pauper and that of a paying patient ?—None whatever, they are exactly the same.

20826. Regarding the emergency certificate, that is very freely used in Scotland ?—Yes

20827. With regard to the majority of cases they are sent to an asylum on the emergency certificate ?—I think the majority would be so. In localities where it is easy to get the medical certificate it may not be necessary to use it. I should take it that in the majority of cases it is used.

20828. Even when there are two medical certificates it is not always convenient to get a Sheriff's Order ?—You sometimes cannot get it done.

20829. And the emergency certificate is used for that ?—Yes.

20830. The case is fully certified before it goes permanently to the asylum ?—Yes, it must be.

20831. Over and above the cases requiring the ordinary certificate, and these cases requiring no certificate at all, I understand there are some cases which have special certificates differing from the ordinary statutory certificate regarding the inmates of lunatic wards of poor-houses ?—Yes.

20832. Tell us about this certificate ?—That is a form which the Board themselves drew up, it is adapted to showing that the patient is suitable for the kind of place in which it is proposed to place him. Here is the form upon which the Board sanction admission to the lunatic wards of poor-houses.

20833. Will you read out the essential clause ?—The applicant has to say the pauper lunatic is of unsound mind, is not dangerous, does not require curative treatment and is a proper person to be placed in the lunatic ward of the poor-house at so and so. There is a statement of particulars by the inspector of poor which is very much the same as the statement of particulars in the ordinary order for an asylum. Then there is a statement by the medical officer which is to show whether the patient is deformed, whether afflicted with bodily disease, whether able to speak and walk, dress himself, feed himself, whether capable of employment, whether subject to epilepsy, whether paralytic, whether of uncleanly habits by day or night, whether violent or noisy, whether refusing food, whether of obscene conduct, or offensive to public decency, whether suicidal or dangerous. If he could not answer these questions satisfactorily the patient would not be suitable for the wards.

20834. Before admission to the wards the case has to be approved of by the general Board of Lunacy ?—The application for sanction comes to the Board with two certificates if the lunatic has never before been certified, and with one certificate if he is taken from an asylum or a private dwelling where he has been certified before.

20835. In the case of a transfer from the ordinary ward of a poor-house to the lunacy ward, it would require a double certificate and a special form ?—Yes, that is to satisfy the requirements of the Act defining a lunatic, which is a person certified by two medical persons to be of unsound mind.

20836. You have another certificate in use by your Board regarding imbeciles ?—Yes, for imbecile children admitted to training schools

20837. Will you read us the medical clause of that ?—That certificate is only used for pauper children, and the reason of it being used for such is really to qualify for the grant, which requires that the recipient shall be certified to be a lunatic. If these pauper children in the imbecile institutions were not certified lunatics, parishes would not be able to obtain the grant on their account. The medical certificate is this: "I, the undersigned, do hereby certify that I have this day, at so and so, in the county of so and so, personally examined so and so, and believe the said child to be of unsound mind, to be capable of deriving benefit from training and treatment in the institution for the training of imbecile children at such a place and to be in a fit state of bodily health for removal thereto."

20838. That is not a statutory certificate ?—It is not a statutory certificate; it is revised and altered as the Board wishes.

20839. It is a guarantee, in fact, that the child is of unsound mind, and such as the 4s. grant should be paid for ?—Yes.

20840. Technically the child is not a committed lunatic by being certified in that form ?—He is a certified lunatic, but he is not committed in any sense as a certified lunatic; he is there under the sanction of the Board.

20841. Private patients are not certified in that way ?—No.

20842. There is no occasion for it ?—No.

20843. It is only for proof that Government money is not being spent upon unsuitable cases ?—Yes.

20844. (*Dr. Donkin.*) Is that person, certified in that form, visited by the Commissioners in Lunacy ?—Yes, just like a person in an asylum.

20845. (*Dr. Dunlop.*) All the inmates in an institution are visited, whether they are certified in that form or not ?—Yes.

20846. You have another special certificate for what we call the six-months cases ?—Yes; that is not a certificate of lunacy; at least, it is not regarded as that in the ordinary sense. That is under a special section of the Act, which provides that if a certificate of this kind which I will read just now, is used, a person may be kept for gain without any other authority at all and the Board have no knowledge of the case; there is no necessity to intimate such cases to the Board, and the Board have no knowledge of them. Certificates are often sent by guardians who know about the Board, and are anxious to observe their instructions; they often send them to us but they are not obliged; the certificate, which is as follows, is sufficient: "I, so and so, a medical person duly qualified in terms of the Act 21 and 22 Victoria

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certify that so and so is afflicted with "—that is the nature of the disease; it may happen to be "mental depression"—"but that the malady is not confirmed, and that I consider it expedient with a view to recovery that he should be placed in so and so for a temporary residence for so many months."

20847. That does not amount to a certificate of lunacy?—It does not, it is not a certificate of lunacy.

20848. They may or may not come to the Lunacy Board?—They may or may not; the person in charge of the patient is not obliged to send it.

20849. What happens to these certificates; for whose benefit are they?—I never heard of their being applied to any, but those of the better classes. A question arises as to whether the patient should be sent to an asylum or not, and as a means of giving a chance of recovery by placing him under suitable private care he is sent to such care for a few months for treatment.

20850. Is not that a certificate for the protection of the guardian who takes the man in?—It is so; if it were not granted the guardian might be prosecuted.

20851. It gives no power of detention?—No.

20852. He goes in just as an ordinary person?—He goes in as an ordinary boarder.

20853. He can discharge himself?—He can go away. I suppose very often such patients are in a depressed state, and do not want to go; they are satisfied with their relatives' arrangements for them.

20854. (*Mr. Dickinson.*) Who signs that certificate?—Any medical man may sign it.

20855. (*Dr. Dunlop.*) One more class of certificate I have omitted, the certificate for lunatics in private dwellings. What certificate do they require?—They come under two certificates somewhat similar to those I drew attention to in the case of the poor-house. The doctors have to certify that the patient is suitable for private care and is not dangerous or capable of being benefited by curative treatment.

20856. Do they require a double statutory certificate?—Yes; just for the same reason, to establish lunacy.

20857. The same class of certificate, but slightly different from that for lunatic wards of the poor-house?—Yes.

20858. Now come on to the Orders for detention. The Sheriff gives Orders for detention in certain classes under certain sections of the Act, does he not?—Yes.

20859. But in two of these after medical certification; the two being Section 14, the common method of certification, and Section 6, which applies to prisoners?—Yes.

20860. There are two other methods; Sections 15 and 89. In neither of those, I understand, is there ordinary medical certification?—No, Section 15 does not require certification at all. The Sheriff is simply satisfied by evidence, which is always medical, that the person he is dealing with is a lunatic.

20861. In both of these the sheriff decides after enquiry?—Yes.

20862. Then Section 89?—That is a section of which I have had little experience; in fact, none, except in one case.

20863. I think the Commissioners would like to hear your experience of Section 89, because it is a very far reaching power, if it were applied. Would you read it out to us?—This is the section, "If any person, while imprisoned in any prison or other place of confinement, under any sentence of death, transportation, penal servitude, or imprisonment, or under charge of any crime or offence, or under any civil process, shall appear to be insane, it shall be lawful for the Sheriff of the county where such person is imprisoned to inquire with the aid of two medical persons as to the insanity of such prisoner; and if it shall be certified by such sheriff and such medical persons that such prisoner is insane, it shall be lawful for one of Her Majesty's principal Secretaries of State upon receipt of such certificate to direct by warrant under his hand that such person shall be removed to such asylum as the said Secretary of State may judge proper and appoint; and every prisoner so removed under this Act and every person removed previous to the date of this Act from prison to an asylum by reason of his insanity shall remain in confinement in such asylum until it shall be duly certified to one of Her Majesty's principal Secretaries of State by two medical persons that such person has become of sound mind, whereupon the said Secretary of State is hereby authorised if such person shall remain subject to be continued in custody to issue his warrant to the superintendent of such asylum, directing that such person shall be removed back from thence to the prison or other place of confinement from whence he shall have been taken, or, if the period of imprisonment of such person shall have expired, that he shall be discharged."

20864. The Committing Order under that section is by the Secretary for Scotland, rather than the Sheriff?—Yes.

20865. However, it is on the Sheriff's inquiry?—Yes.

20866. That Section 89 has fallen into disuse, has it not?—It never, as far as I can ascertain, has been used, except once.

20867. What is the flaw in that section?—I believe, myself, from a careful study of all the Prison Acts as well as Lunacy Acts, Prison chiefly, that persons sent to an asylum under that section were required to be kept at the cost of the State, and the prison authorities rather objected to that. Some time afterwards the Criminal and Dangerous Lunatics Act was passed, which enabled such persons to be kept in the asylum at the expense of the parish.

20868. The section as it stands does not define the question of payment?—It does not, but I believe that to have been the reason why it was not used; I can think of no other reason.

20869. The reason why I want to draw attention to this section is that we have had evidence from Sir Edward Fry and others that when insane persons are found in prison they should be there examined and sent to an asylum or other Institution, and there detained during the entire period of their insanity until they are recovered, and more or less forcibly detained for that purpose, more than, say, an ordinary lunatic. Does the general principle of that Section 89, the nature of the inquiry and the form of Order, meet the situation exactly, leaving the payment part aside?—In this one single case that we know about, it broke down, as I dare say you are aware, because the medical superintendent and his assistant became of opinion that the man was sane, and the parochial authorities who were paying for him obtained two independent medical certificates and applied successfully to the Secretary for Scotland to order his discharge.

20870. It broke down in that one case?—It broke down in the only case in which it has been tried.

20871. Let us talk about it theoretically. They are a good deal more tightly fixed if in an asylum under that section than in the ordinary case?—Yes, it is the only case in which the medical superintendent is not bound to discharge a patient upon recovery. In the case of persons committed as Dangerous Lunatics in Scotland you would have many confined decidedly worse than these, but they are only detained "until cured"; that point is reached when the medical superintendent thinks so.

20872. With an ordinary patient one is entirely under the opinion of the medical superintendent, but under Section 89 the Secretary for Scotland will have to be satisfied?—That would be effective in the case of a person in an asylum, not under the Lunacy Law, but under another law; if you want to detain a person of that kind you must do it in such a way as to secure your object.

20873. Under that section as it stands the discharge is a great deal more safely guarded than under Section 14 or 15 of the Act?—I should think it would be most objectionable to put such a provision into the Lunacy Law and to apply it to ordinary lunacy cases. We do not want to obstruct discharge, we want to encourage discharge.

20874. But we are not talking about those, we are talking about any special class, cases that crop up in prison. I am not asking whether that particular section is desirable in its present form, but I want to know whether the procedure laid down does safeguard the custody?—To a certain extent; if you desired to confine these persons in a State asylum, Section 89 would hardly be sufficiently strong.

20875. You say it would not be sufficiently strong?—I doubt if it would be for the class of persons you are thinking of, if you are speaking of persons who are only slightly weak-minded.

20876. I am not discussing the class of case at all. The question is simply the procedure of the section. Do you think the procedure laid down in that section is strong enough to secure proper asylum care and treatment for neglected lunatics, cases of lunacy which are found in prison?—I do not think you need anything at all for lunacy. Under the Lunacy Law I would have nothing of the kind; I do not think the Lunacy Law should be changed in that direction. I was speaking of another law.

20877. Are you aware that there is abuse in that matter of discharge?—I hesitate to say that. There are no doubt mistakes of judgment, but these things will happen everywhere.

20878. And mistakes of judgment in the most undesirable class of case?—No, I would not say that, necessarily.

20879. The class of case with a history showing that they require care and treatment and they will come hopelessly to grief if they come out?—There have been one or two cases of persons discharged through being believed to be sane and coming back within a very short time. That is the kind of case which would want to be dealt with under another law.

20880. Let me come back to the original point and get a concise answer. We have been advised that when insane persons, lunatics, are sent to prison, cannot behave themselves, and come in and out of prison, or are sent to prison under a serious charge, they should be examined in prison, and if found to be insane put into an asylum and detained in an asylum. For the purpose of detention in an asylum, I do not know whether a State asylum or another asylum, is the procedure in that Section 89 suitable?—I think it is imperfect if you really want to detain them continuously, because in the one case in which it was tried it was not effective, and I cannot say it would ever be. You are, I assume, supposing them to be maintained at the cost of the parish. The parish would take the procedure which was taken in this case; get two certificates and let the man out again.

20881. You think it would be quite easy to get two certificates and the Secretary of Scotland would always accept them?—He did so in the only case we know about; I can say no more.

20882. There are certain classes of lunatics dealt with without Sheriff's Orders at all, are there not; first, the admission to the lunatic wards of poor-houses?—Yes.

20883. They are sent in there with a double special certificate which you have read to us, and with the approval of the Lunacy Board?—Yes.

20884. But not under any legal form of mandate?—None.

20885. The lawyer is not concerned in that?—The Lunacy Law of Scotland requires all pauper cases to be sent to asylums unless the Board exempts the patient from removal to an asylum. Such sanctions used to be called "exemptions from removal"; all such sanctions are just methods of exempting from removal to asylums.

20886. But as a matter of fact cases are sent straight into the lunatic wards of the poor-house without the Sheriff's warrant?—That is true.

20887. Or without the warrant of a justice?—Yes, the simple written sanction of the Board.

20888. Children are admitted to imbecile training schools without legal warrant?—Without legal warrant.

20889. They are not committed in any form whatever?—They are committed under the sanction of the Board simply, upon prescribed forms — that is to say, the pauper children; private children are received without any sanction at all.

20890. Certified lunatics are admitted into private dwellings and kept in private dwellings without legal authority, without the Sheriff's authority?—Yes.

20891. There again, no Sheriff's authority is necessary is it?—The Sheriff has power under the Act to grant an order, but it is disused now, the sanction of the Board is taken instead.

20892. The Board is allowed to sanction, and the sanction of the Board is found to be quite sufficient?—I think if the Sheriff granted his Order the Board would insist on their consent being got too. They have the power of doing that, and they would do so. There is no Sheriff's Order granted for private dwellings now.

20893. (*Dr. Needham.*) There is notification, I suppose, to the Lunacy Board?—Yes.

20894. (*Dr. Dunlop.*) The Lunacy Board sanction. There is no detention Order at all in the case of a six-months patient?—No.

20895. They are not under compulsory detention at all?—No.

20896. So we may epitomise what we have been going over by saying that the certification and detention Orders in Scotland are perfectly separate and distinct?—Quite.

20897. There are two different processes?—Yes.

20898. The one being essentially medical and the other legal, or by the Sheriff or the Lunacy Board?—Yes.

20899. In some cases the one is necessary, in other cases the other, in some both, and in some neither?—Yes.

20900. Now come to the matter of discharge in Scotland; who has the power of discharge?—The power of discharge of unrecovered private patients is left to the person at whose instance the patient is detained, or in his absence his nearest known relative.

20901. The relatives have the power of withdrawal?—The relatives have the power of withdrawal of the patient.

20902. That is not subject to any sanction or approval?—It is subject to the fact that if the superintendent believes the person to be dangerous he may report him as such to the procurator fiscal, who may act or may not. If the procurator fiscal takes no action the patient must be discharged.

20903. Has the parish any such power regarding the pauper patients?—They have full power, under certain restrictions, of calling upon the superintendent to discharge. If he thinks the discharge of the patient would be dangerous or injurious in any way he has power of refusing discharge and of making an appeal to the Board, who make investigation, and if they are satisfied he should be discharged they order his discharge; if not, they order his continued detention.

20904. The ordinary method of discharge in the vast majority of cases is by recovery, is it not?—By recovery, yes.

20905. The mere statement of recovery, and that statement by the superintendent of the asylum, means discharge?—That means discharge. If he sends notice to that effect it brings the Sheriff's Order to an end.

20906. The same statement of recovery applies to those who are appointed to asylums as dangerous lunatics under Section 15?—Yes.

20907. Exactly the same as if they were private patients?—Exactly as if they were ordinary patients.

20908. It does not apply in the case of Section 89 about which we have been talking?—No.

20909. There is another special mode of discharge—Section 6, which applies to prison cases; that is, that the certificate lapses at the end of sentence?—The certificate lapses at the end of the sentence, and if the patient is to be detained a fresh Order must be got in the ordinary form.

20910. That is an undesirable method, is it?—It is. I should like to see the Order for the patient made continuous so long as lunacy lasts.

20911. The prison certificate adds to the class of uncertified persons that we are now concerned with, or it may add?—It does.

20912. I would like to pass on to the duty of the different Boards concerned with dealing with lunacy. First of all about the county council; what are the functions of the county councils regarding lunatics?—They have no function at all as regards lunatics, the

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only function they have is to be partially or wholly electors of district Lunacy Boards.

20913. As a county council they have nothing to do with lunatics ?—Nothing whatever.

20914. They send, however, some representatives to the District Lunacy Boards ?—Yes.

20915. What numbers are there in that District Lunacy Board ?—Their numbers are fixed by the Board; they vary greatly, from as low as five in small counties up to twenty-three in the larger Districts and to thirty-one in the case of large urban parish councils which have been themselves constituted District Lunacy Boards.

20916. They consist of so many members from the county council, but what other members ?—The county council and the magistrates of burghs within the district.

20917. What is the duty of the District Lunacy Board ?—They have the duty of providing asylums and of managing them afterwards.

20918. But not medical managing, it is financial managing ?—They supervise discipline and that sort of thing, if necessary. If anything happens they are the responsible body. The superintendent is their servant, and they appoint the superintendents and higher officers; the lower officers and attendants would be appointed by the superintendent himself.

20919. Have they anything to do with the selection of cases admitted or discharged ?—Nothing whatever.

20920. They have no power whatever of discharging a patient ?—No, they visit the asylum to see that things are going on well.

20921. They have no power of selecting cases ?—No power at all.

20922. We were told by the medical officer of a large union in England that the county asylum insisted on having a description of the case before them before they would say whether they would take them. Such a thing in Scotland is unheard of ?—Absurd; it would never do at all.

20923. The District Lunacy Board has nothing to do with medical treatment or admission, or discharge ?—No.

20924. What duties have the parish council as a council ?—As a council they have no duty except that of paying for the patient.

20925. Paying for the patient, and approving his discharge?—Yes, they control the discharge of their own unrecovered patients, but as regards the asylum they have nothing to do beyond paying. They have power of passing a minute for the discharge of unrecovered patients.

20926. That minute is subject to the approval of the medical superintendent, and has to state the reasons ?—Yes.

20927. The responsible official of the parish council is the inspector of poor ?—Yes.

20928. What are his duties when he becomes aware of a case of lunacy or a case of a defective person in his parish ?—Our Act runs: "If he [the inspector of poor] shall become aware of a pauper lunatic being in his parish"; but our definition of a pauper lunatic is a person who has been "certified by two medical persons," and Section 112 cannot, in the nature of the case, refer to an already certified lunatic. The Board had therefore to frame an Instruction for themselves. It is this: "If an inspector of poor has reason to think that any pauper within his parish or any person with whom he is called upon to deal, not being already a certified lunatic, is an insane person, an idiot, or a person of unsound mind, it will be his duty to obtain a certificate as to the person's mental state from a registered medical practitioner, and be guided by what is said therein as to whether a second medical certificate should be obtained with a view to the person being intimated and provided for as a pauper patient." He is bound to do that within seven days under a penalty. It works perfectly well; I have not been aware of any case of undoubted lunacy that has not been reported to the Board.

20929. On information given to this responsible official, the inspector of the poor, that inspector of the poor is bound to take steps ?—Bound to take steps.

20930. And bound, if the person is certified, to provide accommodation and make arrangements for him under a penalty if he does not ?

20931. (*Mr. Byrne.*) What penalty ?

20932. (*Dr. Dunlop.*) £50 ?—I do not think there is a penalty. He must within twenty-one days take steps for his removal to an asylum, or provide for him in some other way that the Board may sanction.

20933. Is the inspector of poor equally bound to take charge of imbecile children ?—Theoretically he is; they sometimes do. We have had an infant intimated as a pauper lunatic as young as two years old.

20934. Does it work out practically ?—Practically. I have not heard that there are a great many imbecile children that are badly cared for; that there are some such I think, is extremely probable, if they are not certified and intimated as pauper lunatics.

20935. Possibly these regulations are not carried out to quite the full extent ?—I do not think parochial authorities look upon children as in quite the same position as adult persons of unsound mind.

20936. (*Mr. Chadwyck-Healey.*) Where is the line drawn; is a line drawn ?

20937. (*Dr. Dunlop.*) In the matter of age, is it not ?—No, there is no limit as regards age.

20938. (*Mr. Chadwyck-Healey.*) In practice, I meant ?—Practically there is. We get very few children under ten years of age, but we occasionally get them.

20939. (*Dr. Dunlop.*) One reason is, that there is no accommodation ?—It is deficient, undoubtedly.

20940. Applications are held back and put off ?—That may be an element in it. There is not nearly sufficient accommodation.

20941. In dealing with an imbecile adult, would the inspector of poor be able to shield himself by saying the adult was only an imbecile, or only a mental defective, not insane ?—We are rather liberal about certification. I was reading over cases which have been given in evidence here, and I think they would be certified without difficulty in Scotland, and would be under our sanction; that is my impression from reading these cases.

20942. I think we have been over most of the procedure. I gather from your statement you have one or two suggestions to make to indicate the direction in which the law in Scotland might be amended ?—Yes.

20943. You are strongly opposed to any division of authority ?—I think it would be a mistake, decidedly.

20944. Do you think the amount of accommodation for imbecile children is sufficient ?—No, I think it is very much deficient.

20945. In what respect should the law be altered to meet that ?—I do not know that the point has been specially considered, but there is one thing that I think could be quite well done; we have only two training schools for imbecile children; one of them has not been always ready to extend its accommodation when it was required, and it probably could not extend sufficiently; these institutions administer charitable private funds; I do not think they have the means to extend to the extent necessary; I therefore think it would be very desirable if the law empowered lunacy districts to combine and erect training schools for imbecile children.

20946. The Lunacy Board should have power of making the lunacy districts combine and make the necessary accommodation ?—We should have that power. I do not say the Board should have the power to order combination, but upon application being made they should have power to do it.

20947. Have you any opinion to give as to whether all defective persons should be seized and segregated, or whether the present test of the necessity, namely requirement of care and treatment, should continue ?—I should prefer the continuance of the present system. I see no reason for segregating all persons, and none for segregating those who are already well cared for; it is simply a matter of dealing with those that are not well cared for.

20948. So the present requirements for care and treatment should continue, and be the test in future ?—As regards persons who are certifiable, I think so.

20949. It has been suggested to the Commission that a new certificate to the effect that a person was defective or feeble-minded should be introduced. Do you think that would serve a practical purpose; is "unsound" not sufficiently comprehensive?—"Unsound mind" comprehends almost anything; in fact it comprehends any degree of mental defect if you take a wide view of it; it is, however, actually applied to people who are in the popular sense lunatics. I do not think you can get a wider term than that, as far as I can see.

20950. It is conventionally limited, is it not?—You remember the introduction of the word "feeble-minded" in the Census Schedule; it only led to a return of the extreme cases of imbecility, after all.

20951. But any new term that was introduced would come to get a restricted use in a very short time?—Yes.

20952. So it would not be practicable?—Not in the least.

20953. "Unsoundness" is practical enough?—Yes.

20954. You know the certificate under the Idiots Act—the English Act?—It is not unlike the certificate we have ourselves for the training schools.

20955. Except that that is a statutory certificate, and ours is not?—Yes, ours is drawn up by the Board.

20956. Carrying powers of detention?—That may be; I do not know. I suppose it does; none of them are orders of detention, they are receiving orders; I think that is so in England, too. Any order under these Acts is an order to receive. A Sheriff's Order in Scotland is not an order for detention—it is not definitely said to be so; it is simply an order to transmit such a person to an asylum and to receive them therein.

20957. Surely it implies detention?—I think it may be held to do so until recovery supervenes; then, of course, the Order lapses; or until under some other process of law the patient is discharged.

20958. Our imbeciles as a class, young imbeciles, do not require to be certified?—No.

20959. We do not want any change?—None whatever. I should mention that there is a branch of one of the Glasgow asylums, which is for imbecile children; they are extremely imbecile; and are all certified as lunatics under the Sheriff's Order. I think if you were to introduce the training or care of the imbecile children into asylums, you would have to follow that procedure; I do not see how you could get out of it

20960. You see that certificate (the Idiots Act Certificate); would that be of any use in Scotland—a similar certificate?—I do not think so.

20961. In dealing with adult imbeciles—or call them feeble-minded—is there any advantage in that certificate over an ordinary lunacy certificate?—None whatever.

20962. You see the difference is that there are no facts stated?—That is so.

20963. It is quite a simple matter to state facts in all cases that require care and treatment, is it not?—I do not know.

20964. That is rather a medical matter?—Yes. I believe it is difficult in some cases, although the conviction that the person is insane may be very strong.

20965. Do you think the introduction of a certificate like that for adult cases would in any way reduce this class of uncertified defectives that at present are going about?—I do not think that it would reduce them in Scotland at all.

20966. Have you any opinion regarding the question of certification of senile dements?—They are under the Board. They are found in asylums and lunatic wards of the poor-houses. As a rule we do not admit senile dements to the lunatic wards of the poor-house because the staff is too small; therefore, we send them to asylums. If the poor-house were to provide sufficient wards and sufficient staff, the Board have said they are not against the principle of the thing; they are just insane people.

20967. As long as they get sufficient nursing and care, certification would serve no useful purpose?—Except that, as the law stands, if they were not certified they would not come under our Board's jurisdiction. They require as much care as other insane people.

20968. Your Board deals with uncertified cases that require care and treatment—private individuals—does it not?—To a limited extent it does, but senile pauper patients, if they were not certified and came in that way under the cognisance of the Lunacy Board, would be relegated to the ordinary wards; there are some such people in the ordinary wards now.

20969. It would meet that matter if the wards were licensed without the poor old seniles being certified?—If the wards were licensed and inspected by the Board; the certification means nothing to the person whatever.

20970. There is no objection to certification in your view?—I do not think so, in this particular case, but it does no good to the patient beyond bringing him under the Lunacy Board

20971. And possibly some of the relatives may object?—It protects the patient as a lunatic; and by bringing him under the Act which requires certification as a lunatic, it qualifies him for getting the lunatic grant.

20972. (*Dr. Needham.*) Do the Deputy Commissioners in Scotland visit asylums at all?—No.

20973. Only those patients who are boarded out?—Only those patients who are boarded out. They might visit asylums. The powers given under the Act would enable the Board to direct visits to asylums, but they have not done it except occasionally in the case of lunatic wards of poorhouses in outlying places.

20974. Supposing a Commissioner is ill, can they take his place?—We have been very fortunate in that way. I have no recollection of a Commissioner being ill for any great length of time. They might do so to a certain extent; they certainly have power to do it, if the Board direct them to do it.

20975. You say patients can be sent out on statutory probation; suppose a person sent out on statutory probation for three months, and suppose the patient breaks down before the end of the three months, is the patient able to be brought back to the asylum?—At once.

20976. Under what authority?—It is one of the conditions on which the sanction is granted that the patient shall be taken back if advisable.

20977. Is that put in the leave that is granted?—No, except by implication in the terms of the application.

20978. You are aware that the Law Officers of the Crown have decided that as respects England a person sent out on trial for a specified time, if he breaks down before that time, cannot be brought back unless there is a power of revocation given in the original leave which is granted?—That is a case which never arises. We have not the least doubt about the power to take back.

20979. You are not aware that the Law Officers of the Crown so decided as respects England?—I am not aware that a legal difficulty arises in the matter.

20980. Of course it is a very awkward decision, but there is the fact. I take it the question has not arisen?—No, it has never arisen. We constantly get them sent back without the least difficulty.

20981. It has been the case in this country that the patient has been sent back continually; it is only in consequence of difficulties that the opinion of the Law Officers of the Crown was obtained, but that was the decision?—We never have had any such decision; they are sent back freely on breaking down, and admitted without any formality.

20982. I see pauper lunatics of all kinds and in all places receive a grant which is confined in England to patients in asylums?—That is so.

20983. Therefore, the people in the wards of workhouses have not the same inducement to be sent to asylums as they have in this country?—No, that is a very important consideration.

20984. Do you find it operates in patients being kept in workhouses in which they probably would not be kept?—No it does not, because it does not matter to the parish whether he is in the workhouse or anywhere else.

20985. But do you find that patients are kept in the workhouse when otherwise they would be sent to asylums?—You understand that the lunatic wards of poor-houses are very much in the nature of a restricted asylum under the inspection of our Board. The patients are registered.

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20986. The wards in the poor-house where imbeciles are kept are licensed by the Board?—Yes. They have separate grounds and separate accommodation.

20987. No grant is given to any person who is not kept in the licensed ward?—That is so.

20988. If a patient were kept in an unlicensed part of the House I suppose no grant would be given?—No grant would be given. That leads to a considerable number of weak-minded people who might be left in the ordinary ward being taken out and put in the lunatic wards; that is an advantage.

20989. Does that amount to a very large number?—No, I think not.

20990. I mean so as to make a very appreciable difference in the Imperial cost?—The cost is considerably greater in the wards because there is a larger staff.

20991. I mean the Imperial cost?—Yes, but it really does not add a very large number. In what sense of Imperial cost do you mean?

20992. I suppose that the grant, whatever it is, is an Imperial grant—and comes from Imperial funds?—It has not made any great difference in that. We have a fixed grant; we do not get 4s. a week.

20993. You get a certain fixed sum. Has it been found this fixed sum has been largely increased in consequence of the transference of people from one class to another?—No. The fixed sum yields a smaller and smaller rate as it is divided up amongst the whole.

20994. (*Mr. Dickinson.*) Who protects the public from abuse of the kind that Dr. Needham suggested, namely, that Boards of Guardians would send more patients into their lunatic wards than they were entitled to send?—We should hardly think it an abuse, because I think these people are all insane people, and they are better in the lunatic ward.

20995. But by sending them into the lunatic wards they get more money?—They do not in Scotland get any more because we have a fixed sum; it divides up into less; it has fallen from 4s. 7¾d. to about 3s. 4¾d., and it is falling every year.

20996. Then at that rate other Poor Law authorities would suffer by one authority sending too many of their patients into the lunatic wards?—I do not know that you can call them "too many patients." Do you mean that these insane people who go into the wards had better go somewhere else?

20997. (*Mr. Dickinson.*) I will leave it till Dr. Needham finishes.

20998. (*Dr. Needham.*) The payment of the fixed sum gets rid of a difficulty, apparently, which exists in England, because the larger the number of patients in the workhouse, or anywhere, the larger the aggregate of lunatics, the smaller the grant per person?—Yes.

20999. Therefore it is no advantage in Scotland for them to increase the number because they get the same amount whether the number is large or small; is not that so?—That is so, speaking of Scotland as a whole.

21000. (*Mr. Dickinson.*) But one Board of Guardians gets an advantage?—Quite so.

21001. (*Dr. Needham.*) It is not like the 4s. grant in England which is a premium upon putting as many people in an asylum as possible?—No.

21002. So it does not operate in that way in Scotland?—It does not operate in the same way in Scotland. The individual parish might put a man into an asylum, but he gets the grant if they put him into a private dwelling, or into the licensed ward of a poorhouse just the same.

21003. The Board grants licences to institutions, and I assume if they grant licences they visit?—Yes.

21004. How often do they visit?—Twice a year.

21005. As regards private dwellings, are any patients allowed to be taken into any dwelling which has not been inspected and which is not registered?—The dwellings are not previously inspected; we do not know about them until they are visited.

21006. The same thing occurs in Scotland as in England, that any person can take an imbecile person into his or her house, and it is only discovered that the house is unsuitable when the next visit is paid by the Commissioner?—We have a medical certificate that the proposed guardian is a suitable person to have charge.

21007. That the person is suitable, but not that the house is suitable?—If it is a house which contains more than one patient we should have that.

21008. Then you would inspect it?—No, it would not be inspected until after visitation; we get the size of it, accommodation, and so on. In all cases we have a certificate that circumstances in which a lunatic is to be placed are suitable and sufficient for his proper care and treatment.

21009. As regards the person suffering from incipient or temporary insanity he may be kept in private dwellings without any authority. Is anything known as to the practical result of this mode of treatment?—You mean the six months temporary certificate.

21010. Yes, what is known in England as the incipient insanity clause of the Lunacy Bill?—I believe it is considered by medical men of high standing in Scotland to be a very great advantage, and it is much taken advantage of.

21011. Then you do not agree with the statement of one of your most eminent asylum medical officers that the clause in the Act of Parliament is very little known and very little acted on?—I daresay over the country there are a great many people who do not know about it, but I think all superintendents in Scotland and all leading men on insanity know quite well about it.

21012. Have you any evidence to show the extent to which it is made use of?—I have no knowledge of that. I have heard it is extensively used.

21013. You have known of applications?—They have no obligation to send anything to us, but we get occasional certificates.

21014. There is no statutory obligation?—There is no statutory obligation.

21015. Do you think it is desirable there should be?—That has been very carefully considered, and the conclusion of the Commissioners has been hitherto that it is not desirable to have any notification. If that certificate is to have its full effect in avoiding the certification of lunacy it is better that the Lunacy Board should be left out of it altogether.

21016. You are aware Sir John Sibbald held quite a different view?—Sir John at one time was a little in doubt upon the point, but he went back again to his original opinion.

21017. That is the unanimous opinion of the Board?—It has been hitherto the unanimous opinion of the Board, that it is better to leave it as it is.

21018. You have no evidence that it is working smoothly, and you have no evidence to the contrary?—We have no evidence to the contrary.

21019. I see you say in your statement under "Powers of direct or independent action," "The Board may transfer a lunatic from a house where he is being improperly treated to another house or to an asylum at the cost of the lunatic's estate." How do you get the money?—I do not think we ever had a single case.

21020. Suppose you had, have you got any machinery in your Acts for enabling you to get the money?—I am not aware how we would recover that. I suppose it would be an action at law, but I am not aware. There is a special provision of the Act which enables the Board to recover penalties; I do not know whether there is a penalty involved in this case.

21021. Have you got any machinery by which you could recover your money?—I suppose it could be done by applying to the Sheriff; it is a case we never had occurring. We had one case in which a patient was removed in that way, but there was no estate.

21022. There was no difficulty about making the payment?—No.

21023. I suppose there is always a possibility of removing a patient to a pauper asylum?—Yes.

21024. I do not know if you have any power to make an order on the guardians or the District Board?—I do not know. There is a power for the compulsory removal to an asylum of a neglected patient. How money

would be recovered I am not clear. There is a section which says the expense of removal to and maintenance in asylums may be recovered from the lunatic's estate.

21025. As respects the Sheriff who is the sole authority for the commitment of persons to asylums, I think you said that the Sheriff does not see the patient ?—No.

21026. He simply takes the opinion of the medical man, takes the medical certificates, and judges from them as to the propriety of the order ?—Yes.

21027. As a matter of practice and fact, does the Sheriff ever see the patients; you say he has power to, but does he ever ?—I am not aware, so far as I know, that he ever does. I never heard of a case.

21028. As regards one or two remarks you make in your statement with reference to contracts and agreements and so on that the English Commissioners in Lunacy have no voice in their sanction, of course you are aware that the Secretary of State does accept, as a matter of practice, the advice of the Commissioners in Lunacy ?—I should imagine that. I had little doubt that was the case, but I do not see anything in the Act requiring it.

21029. There is no statutory power given to them to decide without the Secretary of State ?—That is so.

21030. Of course you are aware the Secretary of State is guided to a considerable extent ?—I have no doubt about that. I think it lends a certain amount of standing if the local authorities know that the Lunacy Authority is the authority to be satisfied.

21031. You think the reference to the Secretary of State is rather weakening the authority of the Board ?—We should think it weakening if we had to go to the Secretary for Scotland and he was the authority to decide.

21032. You perhaps have no doubt there is a very considerable number of feeble-minded persons throughout your country for whom no statutory provision is made ?—I have no doubt whatever.

21033. You think that some statutory provision should be made ?—It is a very difficult point to speak about. I think it may be said to be absolutely certain that there are people who ought to be much better looked after than they are; not certified cases, but cases which for some reason or other have not been certified, and possibly could not be certified.

21034. As to whom there would be some difficulty in certifying ?—In the case of children there would be no difficulty at all. I think in the case of adult people there would be a difficulty.

21035. You replied to Dr. Dunlop that you thought there might be some difficulty in certifying some of these feeble-minded people, not distinctly insane people, but people not able to stand alone, and therefore who require protection; do you think a certificate such as has been suggested, not specifying the facts, which in a case of that kind are very difficult to put in words, but a simple certificate that they are of feeble mind and that they are not able to take care of themselves, would be an adequate certificate ?—I think there would be much the same difficulty, provided something followed on the granting of such certificate, say detention.

21036. I am assuming detention would follow that ?—In that case you would find medical men hesitating. I do not know that they would not find it just as easy at once to grant a certificate that the person was of unsound mind.

21037. Whether you call it a person of unsound mind, or a weak-minded person, or imbecile, or call it anything you choose, my point is, would it be desirable to make it not a necessity that the actual facts indicating that condition of mental unsoundness should be specified in writing ?—Do you mean that as applied to the Lunacy Acts ?

21038. No, only as applied to this particular case ?—Under another law ?

21039. Yes.—I think the simpler the certificate the better; I see no advantage in stating facts. I think it would depend far more on the history of the case than anything observed in the patient, mentally, at the moment.

21040. I do not know whether it is so in Scotland, but the Lunacy Act in England requires that no certificate shall be given for detention of a person of unsound mind except upon facts observed by the certifier himself ?—That is the same in Scotland.

21041. In many of these cases there is a great difficulty in observing facts which indicate mental unsoundness, or at all events in putting them in words ?—Yes.

21042. Do you think it would be desirable that there should be this form of simpler certificate ?—I scarcely see the necesity for certification at all in cases such as those I have referred to.

21043. How are you going to get detention ?—You might do it in cases not coming under the ordinary lunacy law upon a medical report, which would be backed up by evidence as to the previous behaviour and history —previous history mainly. Something of that kind, without stating facts, would be a help, and I think it would be much better to have the certificate without the facts than with them. If you were to compel the certifier to state facts he might be puzzled and be unable to do it.

21044. You would be in the difficulty we are in now, of not getting certified a great many people who ought to be certified ?—The simpler the certificate the better. Some of our own certificates are simple. They merely say "Is of unsound mind ?"—the words being printed.

21045. No facts are given ?—No facts are given.

21046. (*Mr. Byrne.*) There are twelve poor-houses, are there not, which have licensed wards ?—I think there are twelve.

21047. There are a good many that have no wards ?—A large number.

21048. Is it lawful to keep in those poor-houses which have no such wards, persons who are lunatic in fact, although not certified ?—No, it is not lawful. I do not say there are not such people in them, but it is not lawful; in fact they are obliged, before being admitted into such poor-houses, to pass in under a certificate that they are not persons of unsound mind. The law rests upon this point, that it is not legal for a person of unsound mind to be in the ordinary wards of a poor-house at all.

21049. And a person cannot stay there without a certificate ?—That is a requirement of the Local Government Board. They require a certificate on passing into the ordinary wards of the poor house that the pauper is not of unsound mind.

21050. Are there large numbers of such lunatics in these poorhouses, unlicensed ?—I have no knowledge. I have no doubt there many are feeble-minded paupers.

21051. That is a matter of fact ?—I have no knowledge.

21052. All you can tell us is, it is strictly against the law ?—It is against the law.

21053. And you consider it highly inexpedient, as well ?—If you were to say that, and point to a particular person, the probability is that a certificate that the person was not of unsound mind would be produced, because these are mild cases of mental weakness.

21054. I am only asking you about the law. You are of opinion that it is not lawful to keep such persons in a poorhouse ?—Yes.

21055. Does the Order of the Sheriff for detention of a lunatic, whether an ordinary lunatic or a dangerous lunatic, say that he shall be kept until cured; do the words "until cured" come in every Order ?—No, only in the case of those confined as dangerous lunatics.

21056. So it is a mere inference in other cases that he is to be kept until cured ?—Yes.

21057. Have your Board issued any instructions about that to superintendents of asylums as to their duties in the matter of discharge ?—No.

21058. In your statement under the head of "Authority for discharge" you say that persons who have in the opinion of the medical officer recovered their sanity are in the position of persons who are not lunatics. That being so, does the law lay down any provision as to what the word "recovered" means ?—No.

21059. Are there any instructions by your Board ?—We have given none.

21060. As a matter of practice is a person considered to be recovered who is in a calm state and free from delusions,

**Questions 21061 to 21080.**



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but is sure, to any experienced eye and judgment, to break out into acute insanity within one, two, or three weeks if he is discharged? Is there anything in the law to show whether that person should not be regarded as recovered?—No, simply the medical officer's opinion.

21061. You said that there were two or three cases in which persons having been discharged as recovered came back again?—There are numerous cases.

21062. You stated in your last report that out of 2,939 cases entering the asylums in one year seventy-one that were discharged came back in the course of that year, and of those seventy-one who were released and returned, three were released again and came back again in the same year?—That is so.

21063. And in the course of seven years no less than 557 were readmitted—one-fifth of the total number?—Yes.

21064. In the opinion of the Board does that represent a regrettable system of discharge?—The Board have always been in favour of free discharge and making the door of an asylum open, and if the superintendent thinks a man recovered they expect him to act on his opinion.

21065. More or less irrespective of the fact that within a few weeks or months, when the stress of life comes on him, he will come back?—A large number do not come back; it is a rare thing indeed if they come back within a few weeks. They may come back within a few months.

21066. Anyhow, the discretion of the superintendent is fettered in no way whatever?—The Board have given no instructions; it is not an instruction the Board could give. We have looked upon the Act as defective in respect that it does not specifically deal with the point. If we get an amending Act we would say something about that. In the Board's Instructions of the Inspectors of Poor I find this: "When a pauper lunatic is recovered it is the duty of the superintendent of the establishment to discharge him."

21067. That might mean anything. That might be consistent with a system under which discharge of persons who were once confined was very rare, or it might be consistent with a system that a person, the moment he was improved, was let out?—It is, roundly speaking, the practice to let the man out when he is believed to be recovered.

21068. As soon as he has apparently recovered and is free from obvious delusions?—Yes.

21069. We shall be able to ascertain, I suppose, from other witnesses what are the effects of that system on the increase of lunacy?—Yes.

21070. It is the case, is it not, that the Scottish Lunacy Commissioners do not report on the alleged causes of insanity as the English Commissioners do?—Yes.

21071. Have they ever done it?—No, they have studiously avoided it.

21072. Do you know why?—I think you had better put that to Dr. Macpherson.

21073. With regard to your remark in your statement that the Board would like to have greater power of enforcing their wishes and directions in the matter of asylum accommodation and management, have the Board ever made any express recommendation that a certain power should be given to them?—Yes.

21074. Have they drafted a clause?—Yes.

21075. Might we have that?—I can give it to you; it is in the pigeon holes of the Scottish Office*.

21076. What were the means of enforcement they selected? You say: "The recommendations of the Board are, as a rule, willingly and promptly met; but although the accommodation in such asylums might in the opinion of the Board be inadequate, the food of inferior quality, the water supply insufficient, or the drainage system in need of overhaul, if a District Lunacy Board or a Board of Directors thought otherwise, the Board would have no immediate means of causing acceptance of their views beyond the weight of their opinion, advice, and comments, supported by the power of making their reports public. This latter is a power of great efficacy, and in most cases is sufficient, though in the matter of prevention of overcrowding of asylums the Board have sought to have their control put upon a more definite footing. The Board seldom, even in cases where they possess compulsory power, require to resort to it, and they never do so until efforts have been made to attain their object otherwise. But the existence of compulsory powers are of great value and so forth?—What do you put the question with special reference to?

21077. The general fact that the Board cannot get their recommendations carried out immediately?—I did not understand your meaning. The Board have sought no additional powers of that kind. I think we have been able to do everything with a little patience and persuasion and waiting.

21078. With regard to the regulations which the Board do make, what powers have they for enforcing them?—With regard to district asylums it is very difficult to say what power the Board have; no specific power.

21079. Suppose you say every patient in such a ward shall have so many hundred feet, and the asylum is crowded so that that is diminished, can you do anything?—I am afraid not. That is one of the powers we would like to possess; a power to measure asylums and to see that they were not crowded. That is the clause to which I thought you referred.

21080. What power would the Commissioners like to have in that matter?—It has been very carefully looked into. It is a difficult question. I am not prepared just now, without looking back to the whole discussion on that, to tell you what the exact proposed procedure was. I will send you the proposed clause. *The following memorandum was sent in by the witness subsequently*:—

The following is the suggested section referred to in my evidence on 23rd February with regard to the want of power of the Board to control the number of patients received into royal and district asylums. This suggested section, with the note appended, was sent to the Scottish office in November, 1902, but no opportunity has yet occurred of introducing a Bill:—

> "Section IV. A clause to the effect that it shall be lawful for the Board from time to time, if they shall see fit, to fix and determine the number of patients which may be received into or detained in any public or district asylum; and also, if they shall see fit, the numbers of private and pauper patients respectively which may be so received; and no greater number of private or pauper patients than the number or numbers so fixed and determined shall be received without the special sanction of the Board; and the Board shall have power, if they see fit, to order the removal of private or pauper patients received in excess of such fixed and determined number or numbers."

(*Note.*—"The intention of the above amendment marked Section IV. is to give the Board the same power to control the number of pauper patients to be received into royal and district ayslums as they already possess in the case of private asylums and lunatic wards of poor-houses. In the case of the royal asylums the board have no control whatever. They have neither the power to disapprove of plans nor to determine that the accommodation is insufficient. In the case of district asylums the power 'to determine whether the accommodation for any district is adequate' is given to the Board by Section 9 of 25 and 26 Vic. c. 54; but that power has not in practice been found to be sufficient to guard against overcrowding or to ensure that steps will be taken in time for the provision of further accommodation. Very different views, based apparently upon reasonable grounds, may be taken as to the number of patients an asylum can accommodate. The assigning of a number indicating the proper capacity of each asylum would therefore be a valuable guide to all concerned, and would be greatly in the interests of the insane. The section as drafted leaves the Board power to sanction the reception of a larger number than that assigned as measuring the proper capacity of the asylum. This is a power which would often require to be exercised for temporary periods.

"It might have been sufficient to confine the power here sought to accommodation for pauper patients but for the fact that both in royal and district asylums the poorer class of private patients are mixed up with and have the same accommodation as the pauper patients.")

The words in the final part of the suggested section provide the only simple means I could think of for enabling

* *Vide* note to Q. 21080.

the Board to give effect to such a power. A provision that persons received in excess of the sanctioned number should be held to be illegally received would be a dangerous and impracticable provision which would be full of trouble; and anything like the imposition of a fine would be equally impracticable and undesirable. I do not anticipate that the board would ever be really called upon to exercise the power of removal, as the threat to do so would be efficient, and as the clause is drafted the board would be able not to press their power even when the sanctioned number was exceeded, if the local body gave evidence of their desire to remedy the deficiency.

Perhaps I may explain further the method which would be followed in estimating the capacity of an asylum. This, according to the Board's present views, would be ascertained by taking the superficial area of each day-room, dormitory and dining hall. The superficial capacity alone is deemed sufficient, because asylum accommodation is always as a matter of fact of sufficient height, and no benefit is derived by the patient from cubic space obtained by mere loftiness of apartments. Indeed, unless a lofty room is properly ventilated at the roof, the upper portion of the room becomes a reversed well of vitiated air. The minimum allowance of floor space is according to the present views of the Scottish Board thirty square feet in day-rooms, sixty in dormitories and fifteen in dining halls, or 105 in all for living space. In measuring the asylum all corridors, lavatories, cloakrooms, etc., would be excluded. The apportionment as between day-room and dormitory should be left to the superintendent, and to find the capacity of the asylum the total superficial area of all the living rooms would be divided by 105 (30+60+15). In day-room dormitories (that is, rooms to which patients are as a rule confined both day and night) it might be suggested that no dining space need be allowed, as the patients in such wards are mostly confined to bed and could not go to a dining hall. The fact, however, that such wards are hospital wards containing patients generally confined to bed, would make it desirable that they should have more day-room dormitory space than would be necessary in the case of wards only occupied for part of a day. Hence 105 feet would be no less desirable in their case than in that of the others. Indeed, some new hospital wards of the kind allow even more space.

There only remains to be considered the case of single rooms for each of which an area of 90 square feet would be adequate. Their area would not however be included in the area of the associated dormitory accommodation referred to above, as, whatever their area may be, they only provide a bed for one patient. Dining and dayroom space for the number of patients in single rooms would require to be deducted from the total area of the asylum before the number of single rooms is added to the total number which the asylum can receive.

To take a concrete example: If the total floor space of associated dormitories, day rooms, and dining halls of an asylum amount to 50,000 square feet and the asylum had fifty single rooms, we should deduct from these figures the day and dining accommodation (30+15) for fifty patients, which would equal 2,250. Deducting that from 50,000 we have 47,750, which divided by 105 (60 + 30 + 15) would give space for 455 patients, to which would fall to be added the fifty patients who sleep in single rooms, giving a total capacity to the asylum of 505 patients.

T. W. L. S.

General Board of Lunacy for Scotland.
Edinburgh, 13*th March*, 1906.

21081. Are the Board satisfied that they have sufficient means at their disposal for securing economy as well as efficiency in the provision of asylums?—We do our best to keep down charges, but we have no great power in that way.

21082. Have you to keep down local authorities from spending too much, or have you to urge them to spend enough?—I think we have decidedly to prevent them spending too much.

21083. Have you sufficient powers?—The Board have power to refuse sanction to plans of asylums, that is the only way in which it can be done.

21084. The expenses are very high in Scotland?—Enormous; some of them are very high.

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21085. With regard to the children who are now in training schools for imbeciles, I see they are discharged at the age of eighteen—that is one of your regulations?—Yes, that is an age arbitrarily fixed.

21086. Large numbers of them then disappear from official cognisance?—A considerable number of them do disappear for the moment, a great many come back again.

21087. You make this rather tragical remark about those who disappear; "Many will probably eventually, from some cause or other, reappear on the register of the Board?"—I think that is very likely.

21088. You go on to say: "So long as they show themselves fit for home life, are under the guardianship and control of respectable relatives, and are not a source of annoyance to the public, there would not be the slightest excuse for interference with them on the part of the State." That is to say when they do something wrong, then interfere with them?—Yes.

21089. That is the doctrine of "the first bite"—in other words, let them be free from State control until they do something very wrong?—Yes, you may put it in that way.

21090. That wrong might be a very tragic affair?—You cannot put a man in prison until he has done something wrong. I do not think you would be justified in shutting up a harmless imbecile on the theory that he might possibly do something wrong.

21091. Supposing it were apparent that he certainly would?—In a case in which you could reasonably hold that, he would probably be unfit for private care altogether.

21092. That is the question I am asking. Do you think that there are such persons discharged from these training schools, persons who are unfit for private care?—When they are discharged to private care the parish council chargeable with them has to pass a minute that they are placed under guardianship which is satisfactory to the parish council. That is the only kind of protection if they cease on removal to be paupers. I daresay it is inadequate.

21093. I see some of them go to asylums, some are boarded out, and some are lost sight of. Do you think the existing machinery is satisfactory, or have you any recommendation to make as regards taking care of them?—I think the Board itself have not had any communications which lead them to think that things are far wrong, but we have been told, no doubt upon perfectly reliable authority, that some cases are not properly protected, weak-minded girls, and people like that.

21094. But so far as you know, it is not a crying evil? No.

21095. This Commission has been told that in England, in places where special schools are started for the education and observation of children, hundreds if not thousands of children, of whom some proportion are quite unfit to be at large, are being turned out into the world, and one of the crying necessities of the day is to make provision for the permanent care and detention of these people. You do not agree with that at all?—Not that all of them require permanent detention.

21096. You know nothing in Scotland which tends in the slightest degree to support that?—Nothing. I should like to see only those protected who can be shown to need protection.

21097. (*Mr. Hobhouse*). Is it not the fact that the Local Government Board in Scotland have some power of supervision over persons under the present Lunacy Act?—No, none, the only point at which they come in is that the plans of the lunatic wards of poor-houses which are licensed by the Lunacy Board have to be sanctioned also by the Local Government Board because the lunatic ward of a poor-house is part of a poor-house, technically.

21098. They have no power over insane persons connected with the poor-house in Scotland?—No, they have no jurisdiction in lunacy matters at all.

21099. (*Mr. Greene*). You set out six statutes in the opening part of your statement referring to the lunacy law. Should I be right in saying that the first three have been subject to various statutory amendments, but that the last three are untouched by amending legislation or

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repealing legislation ?—The second and the third are an amendment of the first.

21100. But have those three been altered and repealed and the remaining three not touched at all by legislation ? —No, the Act of 1857 has been amended, the Act of 1862 has not been amended except in so far as it may have been amended by the Act of 1866, but I think the Acts of 1862 and 1866 are mainly independent Acts, that is Acts making new provisions.

21101. Has the 20 & 21 Victoria, chapter 71, which is the Act of 1857, as regards part of it, been repealed by the 25 & 26 Victoria ?—Yes.

21102. May I take it the first three have had various repeals and alterations. I do not know that they are of any great importance, but I want to know whether we are to assume that the statute law has been untouched as far as those first three are concerned. I admit that it has been with regard to the second three because I have looked ?—Yes, there has been no amendment later than 1866 that you could call an important amendment of the existing law.

21103. The last that I can trace is 29 & 30 Victoria chapter 51 which has been amended by the 56 & 57 Victoria, the Statute Law Revision Act, 1893, but in no important particular ?—No.

21104. So, except small amendments, the law is accurately stated there ?—It is.

21105. I wanted to ask you, because, as your statement stands it looks as if there had been no amendment. You say there has been no consolidation and no amendment of any administrative importance ?—You are quite right. I did not mean that as applying from 1857. That is from 1866, really.

21106. You do not regard any amendments that have occurred on those first three statutes as important administratively ?—No, none of them.

21107. Subject to such amendments as there have been, the law is correctly stated and the whole statute law is referred to ?—Yes.

21108. Apart from statute law relating to lunatics, is there any common law in Scotland relating to the acts done to, or acts done by lunatics which affects their care, training, or control ?—I am not perhaps able to answer such a wide question, but I do not think so, I am not aware of any. There are the findings of the Court which made it clear that relief given to a wife or child did not pauperise the husband or father.

21109. That would turn on some Poor Law statute ?—No, I think it rested entirely on the decision of the Court. I do not know whether they use the term " common law " in Scotland, but it would be common law in England.

21110. That is quite outside the province of the Commission ; that is a political question entirely. With reference to the care, custody and control of people who are not certified, is there any statutory protection ?—Perhaps I should have excepted the Criminal Law Amendment Act. That is an Act which deals with the protection of imbecile women.

21111. Not certified only ?—Certified or uncertified, if the accused had reason to believe they were insane.

21112. " Idiots " is the word ?—I do not think it is tied down. Does it not say an idiot or imbecile woman ?

21113. It does not deal with certified people only ?—No, but it covers the certified people. We have had a good many cases from time to time.

21114. It covers the certified, but it deals also with the uncertified ?—Yes.

21115. Section 5, Sub-section 2, makes it punishable for any person to attempt to have carnal knowledge of any idiot or imbecile under certain circumstances if the person charged had reasonable grounds to believe that the person assaulted or attacked by him was of feeble mind ?—Yes, I think that is a correct statement.

21116. That section is applicable to Scotland, I think ?—Yes.

21117. Have you had any cases under that ?—We have had several cases in which an act of that kind had occurred ; they are not numerous, but they have occurred from time to time. We have always made the inspector of poor report to the Procurator Fiscal who has taken proceedings and consulted Crown counsel as to whether prosecution is possible. It is very rarely that Crown counsel think the case sufficiently strong to justify prosecution.

21118. The difficulty being for the prosecution to prove, as part of the case for the prosecution, that the accused person knew the victim was either an idiot or an imbecile ?—Yes.

21119. Have you also knowledge that in the same section there is punishment awarded to any person who has carnal knowledge of a girl between thirteen and sixteen years of age, with a proviso that if he proves he had reasonable grounds to think she was over that age it will afford him a defence ?—Yes.

21120. The difference being, in the case of the idiot and imbecile, that the *onus* is on the prosecution to prove the accused's knowledge. In the case of the girl between thirteen and sixteen the *onus* is thrown on the accused to prove that he had reason to believe that she did not fall within the section ?—Quite. I think all our cases were older than sixteen.

21121. Is your view that the two cases should be assimilated, and that the protection which the law gives to the girl between thirteen and sixteen—throwing it on the accused person to show that he thought he was justified in what he did—should be assimilated to the case of the idiot or imbecile so as to make him show that he thought she was sane, instead of leaving it to the accusers to show that he did not think so ?—That is a question of law to which I would not like to give an answer.

21122. Do you see any ground for amending that section at all ?—I do not know that we have been able to suggest any alteration that would have the effect of making a prosecution more likely to take place. Another point of view is that the question has not usually rested on the case you put, but upon the fact that there was no evidence beyond the word of the girl.

21123. No confirmatory evidence ?—No, not even any circumstantial evidence beyond her word and that the word of an imbecile girl was not enough ; she might have named the wrong person, you could not be absolutely sure that she was telling the truth about it. I do not see how you can amend that.

21124. That is a difficulty of evidence which is inherent, but suppose the girl could be confirmed, or supposing her evidence were not necessary, for that has frequently been the case in England ?—In that case I think we should have a prosecution.

21125. Supposing there were a number of eye witnesses and therefore it was not necessary to let the girl give any evidence at all, would there be any reason why you should not convict the man for taking advantage of the woman who was imbecile ?—None at all.

21126. If the law could be made to affect that in Scotland you think they would be glad ?—I think we should be glad of any change of the law that made the protection of the imbecile more thorough than it is.

21127. Are there many cases of girls having illegitimate children and going into the maternity wards of hospitals and so on ?—You mean under the Board's jurisdiction, certified cases, very few ; one perhaps in 500 in a year.

21128. I suppose it is a part of your Scotch statutes that there is special protection given to certified persons or inmates of asylums against violation by attendants ? —There is a section that enables the prosecution of any attendant who neglects or abuses a patient, but I do not think it specifies that particular case which you put.

21129. There, no special knowledge on his part is required ; it being assumed ?—I think so ; it would be absolutely clear. We never had a case, but I am sure that would be so.

21130. Have you got many cases of feeble-minded people in a good position of life, children or scions of opulent people, who require care and treatment, not in asylums ?—They are not numerous, they are not under our care ; they are living with relatives or not kept for profit, and therefore would not fall under our jurisdiction. I think the greater proportion by far are probably in training schools or asylums.

21131. Is there any suitable provision in the training schools for them ?—Yes, special provision.

21132. Under what statute ?—It is not statutory. These training schools do not exist under statutory orders. The statute, however, makes it necessary for the Board to license them; they are under the management of private bodies.

21133. Does the State look after the afflicted person at all ?—Training schools are licensed by the Board of Lunacy and visited by the Commissioners regularly, just like asylums.

21134. Are there many such places in Scotland ?—Only the two that I have referred to in my statement. The number of private patients appears to be much greater than the number of paupers, in proportion to the class from which they arise.

21135. (*Dr. Donkin.*) I think I may take it from your evidence that you do not think there is any necessity, as far as your experience of the requirements of Scotland goes, for fresh legislation with a view to certifying as unfit to take care of themselves more people than can be now so certified under the law ?—I am not prepared to say that. There may be people who are not certifiable under the existing law, who yet need special care. There may be no doubt in the minds of experts that they are people of unsound mind, but you cannot get them certified by the ordinary medical practitioner, and it would be desirable that some place should be found for them.

21136. Your conclusions are not to be taken as deprecating fresh legislation ?—Far from it. I think fresh legislation is desirable, only I should not like it to be thought that I wished any alteration of the Lunacy Act that would enable you to deal, under that Act, with people who could not be certified in the ordinary way.

21137. Taking it for granted that fresh legislation is desirable you would have it in a different sphere from that of the Lunacy Law ?—It should be under a different Act, but it might be under the same controlling body; it would have a different method of commitment and of discharge.

21138. (*Dr. Dunlop.*) Are you referring to mentally defective persons ?—Yes, persons who are not at present regarded as certifiable.

21139. Mentally defective persons who are by all our understandings lunatics at the present moment; persons of unsound mind requiring care and treatment ?—If they are persons with whom you can deal under the present lunacy law, the lunacy law I think is sufficient to deal with them, and they ought to be dealt with under it, but those who cannot be dealt with under the lunacy law would require to be dealt with under a special Act.

21140. (*Dr. Donkin.*) That is what I want to bring out, because the result of the inquiries Dr. Dunlop made was rather to lead the Commission to think—and certainly led me to think personally—that you thought the Scotch Lunacy Law was sufficiently extensive in its scope, and sufficiently applied in practice. to cover all cases in which you thought there was any justification for detention ?—No, it is not sufficient. If all the medical profession were exactly of the mind of certain expert authorities there would be no difficulty, but that is not the fact.

21141. With regard to the facts I should like to ask whether you think in fact that the Scotch law is so extended in practice as to cover materially more cases than are covered in England ?—I think we have a great many people under proper treatment and care that you do not have so cared for in England. That must be so, because you have no inspection of those who are in private dwellings.

21142. That is not exactly what I meant. Are there more people in Scotland certified with—to the popular notion—less obvious signs of lunacy, than there are in England ?—It is my impression, on reading the evidence given by others in England, that certification is much more easily obtained in Scotland. There is less difficulty about certifying persons of unsound mind and treating them under the Lunacy Act.

21143. Would that apply to all cases of insanity proper to which the lunacy law in England is practically confined and to imbecility in its various grades ?—To imbecility, and, it might be, to other forms of mental unsoundness also.

21144. Have you imbecile patients in Scotland under certificate who are not, to the non-medical eye, obvious idiots; or are they mostly idiots ?—They are not. Some of those children in the training school at Larbert might casually pass as sane, merely to look at them and hear them speak.

21145. I was asking this question to lead up to one with regard to what you state near the close of your statement: "But it should be kept in view that I am speaking only of such as are obviously and beyond doubt imbeciles who could without difficulty be certified as of unsound mind if occasion arose for their being so certified"—that we quite understand, it is the same in both countries—"but there are unquestionably many weak-minded or abnormally constituted persons, young and old, who would never appear as imbeciles or feeble-minded in the census returns. The difficulty is that the less mentally defective such persons are the greater becomes the difficulty of dealing with them under the existing lunacy or other laws, and the greater becomes the likelihood of their being a danger to the community." Is it your opinion that to meet those cases which you describe so fully there, there is a strong desirability or necessity for fresh legislation ?—I think so, as regards some of these children; I think there is a considerable number. I was not thinking entirely of children there.

21146. Would the Scottish theory or practice of lunacy include or refuse to deal with these people ?—There are a great number of them; there are hundreds in every city that might be certified, but they are not certified.

21147. That is exactly what I wanted to get at, because we have been rather given to understand that it is different in Scotland from what it is in England. The necessity seems to be great in both countries ?—It is, no doubt. To enable a person to be a pauper lunatic you have two things to deal with, that is a certain degree of weak-mindedness more or less marked, and also pauperism; but there are a great many of these children to whom I referred who are not paupers; that is to say, if application has been made on their behalf, it has not been granted; they do not come under the Lunacy Board at all.

21148. One of the chief objects of this Commission is to consider the further care and control of the feeble-minded. Would you think one of the objects is not only for the benefit of the person taken care of, but for the benefit of the community at large ?—Yes.

21149. Would you say, from what you know, that in Scotland such a requirement exists ?—I would not interfere with any of these people to whom I referred, so long as they have got good homes and good guardians; but when they have not I think there is a necessity.

21150. From the passage in your statement I have just read out, is it a fair inference to draw when I impute to you the opinion that further legislation is desirable, in order to get hold of this class of the community ?—Yes, with this reservation, that I do not mean to say that all the feeble-minded should be drawn into it.

21151. (*Mr. Dickinson.*) I want to ask one more question about the subject Dr. Needham was asking about with regard to the grant. What answers to our 4s. per week grant in England ? In England the County Council pays to the Guardians 4s. per head. I understand that in Scotland that is not so, but somebody else pays the Guardians. Who is it pays the money ?—The money is actually paid by the Secretary for Scotland; it is issued from there, but it is allocated by the Local Government Board, under a certificate from the General Lunacy Board that the patient was properly cared for and was in the place, in respect to which the claim is made, at the time the claim was made.

21152. But you said there was a limited fund ?—Yes, it is now a fixed grant, £115,500.

21153. £115,500 a year granted from the Exchequer to whom ?—It is granted in aid of the cost of maintenance of pauper lunatics; it is a fund at the disposal of the Secretary for Scotland.

21154. I understand the Local Government Board, Scotland, estimates the number of lunatics who are

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entitled to participate in this grant every year?—It gets a return of the actual lunatics.

21155. And divides the £115,500 up equally amongst them?—Yes, as far as it will go. There is no expenditure reckoned beyond 8s. a week. If you spend 16s. a week you get no more grant than if you have spent 8s.

21156. What does it come out to per head?—It works out at about 3s. 4¾d. a week; it gets less and less every year.

21157. It is getting less for the reason that there are more lunatics participating in it?—Yes, it was somewhere about 4s. 7¾d. when the grant was raised to £115,500 and fixed, and it gradually fell.

21158. You anticipate that under new legislation a certain number of these persons whom we are calling now "feeble-minded" would be dealt with as lunatics?—I think they would; in the case of children, they certainly would.

21159. Do you anticipate that these persons should have also a right to participate in this money?—I do; I think they ought to have a grant either of this money or some other money.

21160. That is a question I want to arrive at; you would propose that it should not be a further call upon the same fund?—I think not, because the fund is getting too small now.

21161. It should be an additional grant from the Exchequer to Scotland?—I think it should, putting it exactly on the same footing. I do not think there should be an inducement to send a child or a grown-up person to one place rather than another, as far as the grant is concerned.

21162. But there would be an inducement if you had more money?—Not if you received a grant whether you sent him to one place or another. If a feeble-minded child required care it would be an inducement as at present to the parish council to send him to a training school, because they know they would not lose the grant by doing so.

21163. It would be an inducement to send him to that extent?—Yes.

21164. With regard to the administration, I see you first mention the sheriff. The sheriff is a county officer, is he not?—He is sometimes called, not quite correctly, the "Sheriff Principal"; he is an officer who has jurisdiction over a combination of counties, for instance the Sheriff of Perth is sheriff of Perth only; the Sheriff of Caithness, Orkney and Shetland is one sheriff, and there are three sheriff-substitutes, one for each county of that sheriffdom.

21165. How many sheriffs are there in Scotland?—Fifty-three or fifty-four sheriff-substitutes.

21166. How many sheriffs?—I am not absolutely sure, I think there must be about fifteen. They are are all advocates of high standing, all resident in Edinburgh except the Sheriff of Lanarkshire.

21167. You told us that the person who orders a lunatic to be placed under constraint is the sheriff?—Yes, but by the Act "sheriff" is interpreted to mean the sheriff-substitute; the person who actually does it is the sheriff-substitute.

21168. Then the sheriff-substitute is a local resident State officer?—Yes.

21169. Not a county officer?—No, a State officer.

21170. Does the sheriff-substitute institute any kind of enquiry into the question as to whether a person is a lunatic or not?—No; if he gets an application which is in accordance with the requirements of the Act, and which contains certificates which appear to be sufficient to show that the person is not a sane person, he signs the order. He never sees the lunatic.

21171. He takes the recommendation of the medical officer as absolutely conclusive?—As conclusive, and the application of the inspector of poor or, if it is a private patient, any responsible relative who applies.

21172. What information does he get from the relative?—The information required by the Act, that is all, the schedule being very much like the English; it was taken from the original English schedule, I think.

21173. In England it is the Justices of the Peace who are resident in the place?—The sheriff makes no enquiry, he practically knows nothing about them.

21174. Therefore it practically comes to this, that the certificate of the two doctors is all that is required in order to get the lunatic shut up?—Practically that is all.

21175. The sheriff, of course, has nothing to do with the administration of the lunatic asylum?—No.

21176. He has nothing to do with the discharge of the lunatic?—No he is an officer of high standing; he gets an appeal sometimes and sends it on to us for enquiry, just as the Secretary for Scotland will get an appeal sometimes. He has not nominally the power of interfering with lunatics, but if an appeal is made to him under Section 92 of the Act of 1857, he may act upon it, or if it is to the Board, they may do so. Upon two certificates being submitted that the person has so far recovered that he may be safely liberated, the sheriff can order his discharge.

21177. He is superior to the Board of the Lunacy Commissioners, then?—No, the appeal is made either to the sheriff or to the Board. In nine cases out of ten it is made to the Board.

21178. I want to find how far this is a State system of administration. It is the sheriff alone who orders a lunatic to be shut up, it is the superintendent of the asylum alone who orders him to be discharged?—Yes, except in the case of unrecovered patients or of a successful appeal.

21179. Are there no voluntary managers of these asylums?—No, the District Lunacy Board visit. There is a power to appoint visitors but it is never exercised.

21180. There is nothing answering to our visiting committee?—I think the District Lunacy Board answers to that. They have more power, but they perform the the same duties.

21181. But there is nothing which answers to the committee of the county council or the visiting committee of the asylum?—I think, as far as I can see, the powers of the District Lunacy Board are very similar to those of the visiting committee.

21182. What do the "five to twenty-three people" do, whom you told us of, who have the control of what you call the district asylums?—That is the District Lunacy Board.

21183. Those are what you speak of when you say they answer to the visiting committee?—Yes.

21184. But they have no powers with regard to liberty?—They have no power to order a patient's discharge and our Commissioners have no power to do so.

21185. (*Dr. Dunlop.*) I would like you to clear up the question of the power of the parish councils in removing paupers from the ordinary wards of the poor-house to the lunatic wards. The parish councils have not power to do that "off their own bat."?—No; they have power to apply, but not to remove.

21186. The responsibility of removal rests with the general Board of Lunacy?—Yes.

21187. The other point came up when you were being examined by Dr. Donkin about the matter of uncertified lunatics or defectives. I understand you are in favour of all mental defectives being brought under one authority?—Yes.

21188. If mental defect existed and there were a necessity for care and treatment, that case, *ipso facto*, would become certifiable?—You cannot make a person certifiable unless you can create some machinery by which he can be certified. If you speak of "certifiable," you really mean persons who will be certified in practice.

21189. But do you really suggest there should be two classes of defectives in Scotland, one class being held to be certifiable the other class not to be certifiable; the one under the Lunacy Board the other under some other authority?—I do not say "held not to be certifiable," but I do think as a matter of fact that you cannot get all certified under the Lunacy Acts, therefore you will have to make some special Act which will enable them to be dealt with in another way.

21190. So that you advise two classes?—There would be two classes. If they were under one controlling body, such as the Lunacy Board, it would have to be a separate

department of that Board, because the law would be different.

21191. The Board would be able to administer two different classes?—Yes, I only say it could not be done exactly on the same lines as the present Act.

21192. You are dealing with uncertified persons at the present moment?—To a certain extent the Board are, but there is in these cases no question about discharge, that is the difficulty; it is the prevention of discharge that makes the special difficulty. Take a private imbecile child in an imbecile training school; there is no difficulty; there is no necessity for any certificate and no difficulty with regard to discharge. If you have another class of case in which the inmate, being in the opinion of the medical superintendent sane, might go away if he chose, then you have to make a law to meet that. I do not think that should be the ordinary lunacy law.

21193. I do not follow you. As long as a person is shut up on account of mental defect surely he ought to come under the lunacy law?—What do you mean by "shut up"?

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21194. Put into confinement, compulsorily detained. If an adult has such mental defect as to require his seclusion in an asylum, or in any other form of institution, the mental defect is a ground for seclusion; and should not all mental defect be dealt with by the Lunacy Board?—I think there is no other Board existing that is so much akin to that work; I think if any Board should have it it is they. I think it is better that they should have it than even an independent body, which is a costly thing, and I do not see the necessity for the creation of such a body.

21195. If a person required seclusion for grounds other than mental defect then they would not come under the lunacy law?—No.

21196. As long as the mental defect was the ground they ought to be under the lunacy authority only?—The lunacy authority only.

JOHN MACPHERSON, Esq., M.D., called; and Examined.

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21197. (*Chairman.*) You are one of the Commissioners in Lunacy for Scotland?—Yes.

21198. You have been so kind as to give us a statement of your evidence. May we put that on our notes?—Yes.

STATEMENT OF THE EVIDENCE PROPOSED TO BE GIVEN BY JOHN MACPHERSON, ESQ., M.D., COMMISSIONER IN LUNACY, EDINBURGH.

1. THE CARE OF THE MENTALLY UNSOUND IN SCOTLAND.

In Scotland, so far as regards administrative purposes, all persons of unsound mind are dealt with under the Lunacy Acts, without regard to the nature of the mental impairment or the age of the individual. The test of certifiability is the necessity for care and treatment on account of mental impairment. All persons who are properly taken care of by relatives or whose means permit of their being satisfactorily provided for in their own houses are rightly excluded from official jurisdiction of any kind. When an individual, not being a pauper, is placed in a private house for profit or is sent to an institution, that individual comes under the jurisdiction of the Commissioners in Lunacy. When, on account of mental infirmity, an individual is admitted to parochial relief and is either lodged in his own house or otherwise treated, he *ipso facto* comes under the supervising power of the Lunacy Commissioners.

2. LUNACY CERTIFICATES.

Lunacy certificates are as a rule based upon the presence of observed intellectual deficiency or disorder. It is, however, not always possible to define or to detect intellectual disorder except as interpreted by an obvious inability on the part of the individual to take proper care of himself or by the existence of such a degree of eccentricity of conduct as is either injurious to the individual or offensive to others.

H. W., Male, aged 54. Was an accomplished literary man and held a responsible and lucrative position. When about 45 his habits became changed; he drank to excess; his conduct in certain ways became disgusting and revolting; he was dismissed from his situation, and his wife found it impossible to live with him. He gradually drifted from bad to worse, and was twice in prison for breach of the peace. At the expiry of his second sentence he was handed over to the inspector of poor, certified, and admitted to an asylum. The man's general intelligence was good, but from his actions there was no doubt but that he was insane, and there was no difficulty in filling up a certificate. The following is one of the medical certificates:—

"Has no respect for his appearance, and pays no attention to the buttoning of his trousers; perfectly indifferent as regards his dress, behaviour, and being in prison. Delusions that he is bringing out a book astonishing everyone. Rambling and incoherent at times with exalted ideas of his own importance. The warders state his rambling statements, and conducting himself in a foolish and childish manner."

C. M'K. S. Female, aged 27 years. Slightly weak-minded and the child of weak-minded parents. Lived in a small town in the north of Scotland. Her sexual conduct was so scandalous as to suggest her irresponsibility, and she was certified and sent to an asylum. After a few months she was discharged and sent home. Shortly afterwards she became pregnant, and was again certified and sent to the asylum, where she has remained since 1898. The following is one of the medical certificates:—

"Is dull of intellect and silly in conversation, is destitute of moral sense and the decencies of social life and conduct, uses foul and abusive language, accosts and solicits men and prostitutes herself. Heredity—her grandmother, father, and mother weak-minded, and her sister and brother imbeciles. Her father, D.S., says she gets into sudden passions, and will, in these, attack her mother and sister, uses foul language and is not amenable to parental control."

3. UNCERTIFIED PERSONS OF UNSOUND MIND.

In addition to certified persons the General Board of Lunacy for Scotland is officially cognisant of, and exercises more or less direct supervision over, a certain number of non-certified individuals of unsound mind. These include the following:—

1. Voluntary Inmates of Asylums.
2. Wards under Judicial Factors.
3. Children in Imbecile Institutions.
4. Patients in Observation Wards of Poorhouses.

4. THE DISTRIBUTION OF THE MENTALLY UNSOUND.†

On the 1st of January 1905, there were in Scotland 17,241 insane persons, of whom the General Board of Lunacy had official cognisance. Of these 13,007 were in asylums, 947 were in lunatic wards of poorhouses directly under the supervision of the Commissioners in Lunacy, 2,829 were boarded out in private dwellings, 408 were in the two institutions for imbecile children, and fifty were in the lunatic department of the Perth General Prison. These are all the methods in which the insane and feeble-minded are dealt with in Scotland, and, except under the Lunacy Acts, there is no other method of dealing with them. Of the grand total of 17,241, 2,551 were private patients, and 14,640 were pauper patients, supported wholly or in part by the parishes to which they belong. It will help to clear up the subject if we deal only with pauper patients. The following Table shows the manner of their distribution.

| | Male. | Female. | Total. |
|---|---|---|---|
| In Asylums | 5,340 | 5,413 | 10,753 |
| In lunatic wards of poor-houses | 501 | 446 | 947 |
| In private dwellings | 1,114 | 1,590 | 2,704 |
| In Imbecile institutions | 148 | 88 | 236 |
| In Lunatic department General Prison Perth | 46 | 4 | 50 |
| Total | 7,149* | 7,541 | 14,690 |

* Not classed as paupers.

† Dr. Macpherson subsequently sent in a Return showing the Distribution of the Mentally Unsound in Scotland on 1st January, 1908, which is printed in Appendix Papers p. 328d *post*.

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5. The Probable Number of Imbeciles under Care.

According to the statistics of the various institutions in Scotland the proportion of imbeciles in establishments is about 7 per cent. Treating the lunatic wards of poorhouses and of asylums as one and the same, for there is no distinction beyond the fact that the poorhouse lunatics are selected on account of their better physical health and docility, we find a total of 11,700 persons in establishments. Seven per cent. of that number amounts to 819. Judging from personal experience, that proportion might be safely doubled without overstepping the limits of accuracy. The discrepancy is explainable on the ground that many imbeciles are admitted to asylums suffering from acute attacks of insanity, and the diagnosis once entered in the registers is apt to remain unaltered. If, then, 14 per cent. of the inmates of asylums are imbeciles that would raise the actual number to probably 1,638.

Of the 2,704 pauper insane boarded out in private dwellings, 969 are boarded with relatives, and 1,735 boarded with strangers. Those boarded with their own relatives are almost without exception imbeciles. In 1905, the parish of Edinburgh, out of a total of about 1,100 pauper lunatics, had 296 boarded out in private dwellings. Of these 198 were cases of acquired insanity living with strangers, 66 were imbeciles living with strangers, and 32 were imbeciles living with their own relatives. As the larger urban parishes adopt pretty much the same system in their methods of boarding out, we may conclude that what is true of Edinburgh is true of other similar parishes, such as Glasgow, Govan, and Dundee, which three parishes, along with Edinburgh, contribute about 35 per cent. of all the boarded out pauper insane in Scotland. We may conclude, therefore, that about 67 per cent. of the patients boarded out with strangers are cases of acquired insanity, and 33 per cent. are imbeciles. On the basis of this calculation, therefore, 572 of the insane boarded out with strangers are imbeciles, and it has already been stated that the 969 boarded with related guardians are practically all imbeciles. Therefore 1,541 of all the pauper insane in private dwellings in Scotland, or 57 per cent. of them, are imbeciles. This calculation is substantiated to a certain extent by my colleague, Dr. Charles Macpherson, who is to give evidence before the Commission. With regard to sex, there are over all 1,114 males and 1,590 females boarded out. Taking the same proportions for the imbeciles there ought to be about 640 males and about 900 females. The females are of all ages.

Finally there are 236 pauper imbecile children in the two institutions at Larbert and Dundee.

Summing up, 1,638 in establishments, 1,541 boarded out in private dwellings, and 309 (including 73 elected children who are practically of the same class as the pauper children) in imbecile institutions gives a total of 3,488 pauper imbeciles in Scotland of whom the General Board of Commissioners in Lunacy have cognisance.

With the exception of the class of elected children in imbecile institutions, and of patients treated in the observation wards of poorhouses, all the various classes of the mentally unsound paupers to whom reference has been made are under certificates. They are supported by the parishes to which they belong, and with the exception of the inmates of the observation wards of poorhouses who are not certified, the cost of maintenance is supplemented by the Government Grant in aid of local taxation.

6. Further Requirements for the Care of Imbeciles.

The administrative machinery in Scotland is, in my opinion, sufficient for dealing with the care and treatment of all the mentally unsound in the country who require care, provided only that some additional means can be organised for bringing more easily within the scope of that machinery certain classes who are at present, unfortunately, more or less neglected. It need not be expected that any system, however carefully adjusted, can succeed in bringing under the cognisance of the responsible authorities all the mentally unsound persons in a country, nor is it in my opinion desirable that an attempt should be made to do this. The duty of the State towards the subjects of mental unsoundness is purely ethical and is limited to securing their safety and well-being, and to protecting the citizen from any annoyance that may be caused by their unrestrained presence in society. I am aware that some evidence has been given before this Commission suggesting that mental enfeeblement being largely genetic in origin might be stamped out by preventing propagation on the part of all persons who are judged to be mentally enfeebled or disordered. If mental unsoundness were a foreign strain introduced into a community then it could possibly be extirpated in one of the several ways suggested, but as it is merely a variety which so long as individuals are not at a dead level of mental endowment must always arise anew, it is useless to propose any such means for checking its production. This ground for universal registration and control is therefore untenable. The only other excuse for registering or forcibly controlling the lives of mentally unsound persons is neglect or cruelty on the part of their guardians or the absence of proper provision for their care, and this principle, however imperfectly it may be acted upon, is already generally conceded. There are at present many persons of unsound mind in Scotland, who are, presumably, sufficiently protected and sheltered in their own homes, and any attempt to enquire into their condition would in itself be of the nature of inquisition. Under any proposed extension of the present system, it would be wrong, in my opinion, to interfere with such people except on grounds which are at present held to be sufficient for so doing.

I now proceed to deal with those mentally unsound persons who, owing to certain legal imperfections of a slight character, and also to certain administrative anomalies, are unfortunately excluded from the operations of the present system, and I shall endeavour to show how such persons might be fully dealt with by a further widening and adaptation of the existing methods.

(1). The first of these classes demanding attention are children of unsound mind. There are only two institutions in Scotland for the care and education of these children. They are both supported and endowed out of charitable funds.

The provision for feeble-minded children of the poorer classes in the imbecile institutions of Larbert and Baldovan is far too limited to adequately meet the requirements of the country. There are numbers of children throughout the country who are fit inmates for these institutions who cannot, owing to the limited accommodation, be received into them. These institutions are charitable, erected and endowed by charitable funds, with this exception that pauper children sent to them are supported by the parishes from which they are sent. There is, however, no compulsion upon a parish to send a child to an imbecile institution where the cost of maintenance varies from £25 to £30 per head per annum. Such children participate in the grant to the extent of from £9 to £10 each per annum, but an effort is always made by the parish authorities, and rightly so, to get the relatives to contribute as much as they can afford towards the maintenance of the child. Such a negotiation is, however, apt to be one-sided, for, as has already been stated, there is no statutory obligation upon the parishes to dispose of the children in this manner, and there is reason to believe that in some instances the conditions may be made so hard as to prevent the relatives from accepting them. Failing to get their children admitted through the parishes many of the friends make an effort to have them placed upon the charitable endowment of these institutions, but as there is only room for about seventy elected pupils at Larbert, and for three at Baldovan, the chances of the majority are small indeed. The only remedy to my mind is to make it compulsory for Parish Councils to deal with feeble-minded children in the same way as lunatics are now dealt with. To do this, however, would imply the provision of accommodation with at least two additional imbecile institutions in Scotland, each capable of accommodating from 200 to 400 children. These institutions would require to be erected either directly or indirectly by the State. As there is no hope of the State directly undertaking such a measure it follows that the lunacy authorities of the various counties should combine into groups for this purpose. A small assessment over a large area would raise the necessary fund for building, and each parish would, of course, maintain its own children at a comparatively low rate per head.

Supposing that the present institutions contracted

with the North Eastern and the Midland groups of counties in which they are respectively situated, and that the two new institutions were erected so as to serve the Northern and the West and Southern counties respectively, somewhere between 800 and 1000 children of a more or less educable type would be provided for and the present state of matters would be greatly ameliorated or perhaps wholly mitigated. The supervision of these institutions ought to remain as at present under the lunacy authorities. The present certificate which is granted with a view to secure participation in the grant would continue. This recommendation, in short, only involves an extension of the existing system.

As a rule the imbecile institutions do not keep children longer than the age of seventeen or nineteen years, and the questions arise what is to become of them afterwards? and what is to become of those who are unfit for training in those institutions? Those who have homes to go to and whose friends are willing to look after them would of course as at present go to their own homes. Those who are fit for it can for a long time to come be satisfactorily provided for by being boarded out with strangers in private dwellings. There is a class who are better in asylums and to whom it is no hardship to be sent there. Only one asylum in Scotland, the Glasgow District Asylum, Woodilee, has as yet provided separate accommodation for idiots, but there is no reason why others should not in time do the same, as the necessity arises. My contention is that all children of this class could be satisfactorily dealt with under the present system were it made compulsory for the various parishes to send them to properly organised training schools.

2. Delinquency presents a more complicated problem. For practical purposes the persons to whom I am specially referring may be divided into three classes, as follows:—(1) Intellectually feeble persons in whom the moral sense is practically wanting. (2) The intellectually feeble, in whom the moral sense is insufficiently developed to direct conduct. (3) Those in whom the intellectual faculties are developed up to the average, but who possess such feeble powers of moral resistance, when the mind is crossed by certain emotional currents, as to be practically incapable of taking care of themselves. According to the general practice of certification in Scotland, there ought to be no great difficulty in dealing with the first two classes of delinquents, who include practically all the feeble-minded petty offenders of the police courts, were it not for the fact that they appear to be overlooked and that having been once apprehended by the police they are liable to be over and over again dealt with in the same way. They are occasionally sent to asylums where, as a rule, they are not detained long, for beyond a slight degree of eccentricity or feeble-mindedness there may be nothing to justify the medical superintendent in detaining them. Generally the accommodation in our asylums is limited, and there is a desire to remove every one who can be discharged. Then perhaps there is a prejudice against criminal cases, not limited to the doctors alone, but shared in by the lay officials and the other patients. In any case it is unfortunately the fact that no proper provision is made under any of the existing laws for dealing with this class.

The following cases illustrate the present difficulty of dealing with such persons as have been referred to, and the necessity that exists for further powers for dealing with them.

S.M., a middle aged woman. In 1894, she was certified and admitted to an asylum, in February, 1896, she was boarded out as a certified lunatic, in January, 1897 she was reported to be mentally recovered and given ordinary outdoor poor relief, in October, 1897, she was reported "able-bodied." Since her discharge from the asylum this woman has been afflicted with a mild secondary dementia, but a dementia quite sufficient to render her totally unfit for taking care of herself, for she has spent much of her time in prison on repeated short sentences for petty police offences. She has no delusions, but she is facile, forgetful, and generally stupid. She is now in an asylum.

M. E. Female, born 1879. An imbecile, completely uneducable, speech very imperfect, strangers cannot understand a word she says, led into an immoral life by an elder sister. Has no efficient home care. Has been eight times in prison for drunken offences. Has been three times certified to be insane, but only given asylum care for short periods, being on each occasion discharged as recovered.

M. A. Female, born 1863. Belongs to a respectable family, but one in which insanity has been a scourge. She married when eighteen, during the six years subsequent to that she bore five children, she then became insane, was admitted to an asylum and kept there for more than two years. The next five years of her life were spent partly in asylums and partly outside, she was four times during that period admitted and discharged, during these five years she twice became pregnant. Since her final discharge (1894) the greater part of her time has been spent in prison, she having since then had 109 sentences which added together amount to over seven years. Of this period of eleven and a half years, seven have been spent in prison, only four and a half elsewhere. Her mental condition during these years has been that of mild dementia, she is free from delusion, but has very evident signs of mental defect, she is forgetful, emotional, inconsequential, and at times has had bouts of morbid excitement during which she has been destructive. Since 1894 she has had no home and no occupation. She has several times been in poorhouses. She is without doubt of unsound mind, irresponsible and unfit to take care of herself.

J. C. 35. This man was first in trouble when fifteen and was sent to a reformatory school. Alter leaving there he joined the Militia, and one training with it is practically the only remunerative occupation he has ever had. Since he was twenty a large proportion of his time has been spent in prison. As a prisoner he has always been troublesome. His offences have been various, including theft, robbery, breach of the peace, and poaching; for the last he has been frequently convicted. He is a paranoiac and has delusions to the effect that he has been born again and that having been born again he cannot sin, that he is too good for work, that he has a miraculous power of interpreting the scriptures, that he knows who the seven beasts mentioned in Revelations are. He is possessed of cunning, and it is sometimes difficult to get him to speak freely about his delusions. He is now hopelessly insane and in an asylum.

A. R., born 1860. This man has suffered from paranoia for many years. He has the delusion that once when walking on a road in Inverness-shire the figure of a woman appeared on the hills, that it shouted at him and followed him, and has ever since persecuted him, putting his fellow workmen against him, and that as result of this persecution he has never been able to remain at any job. He is very secretive about these delusions and does not talk readily about them. He is an habitual thief, and has a special predilection for stealing the combings of horse hair from stables. During the last nineteen years this man has been sentenced to imprisonment for this offence twenty-eight times, the total imprisonment inflicted amounting to upwards of twelve years.

R. C. Female. A case of recurrent mania of a very violent type. In the attacks she is a perfect fury; she commits assaults, tears her clothes, breaks furniture and windows, refuses food, and is a dangerous lunatic. Between attacks she is somewhat facile, but might be described as nearly normal. She is now in an asylum and not likely to be again at liberty, but previously to being placed there for the last time she passed many years between asylums, poorhouses and prisons. In the course of two years she was fourteen times sent to prison, eleven of them being for offences committed in poorhouses; her sentences amounted to 303 days; she was on nine occasions certified to be insane. The time spent by her during these two years in asylums amounted to 213 days; she spent 166 days in poorhouses, 19 in police cells, and only 29 outside institutions.

T. G. Male, born 1879. An epileptic and an inebriate. Weakminded and occasionally dangerously maniacal. At the expiry of a sentence of imprisonment for breach of the peace he was reported to the inspector of poor as insane; but the parish medical officer refused to certify him, and he returned to his old habits and was soon again sent to prison. When in prison awaiting trial his mental condition was inquired into by the Sheriff, and he was, by the Secretary for Scotland, ordered to be admitted into and detained in an asylum, under Section 89 of the Lunacy Act, 1857.

A.D. Male, born 1884. Always unfit for work. Travelled round the country with his mother and brothers, who were hawkers. When 18 was sentenced to twelve months' imprisonment for indecent assault. On reception in prison he was found to be imbecile, and was certified and sent to an asylum. The diagnosis was corroborated by the asylum superintendent and by a Lunacy Commissioner. At the time of the expiry of his sentence he was discharged by the superintendent as relieved. Two months after

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that discharge he was again in prison on another charge of indecent assault; this time he was certified and sent to an asylum as a dangerous lunatic in terms of Section 15 (Lunacy Act, 1862). The case shows unsatisfactory position of a lunatic admitted to an asylum under Section 6 (Lunacy Act, 1871), for he can be discharged unrecovered after expiry of sentence without fresh certification.

But when we come to the class of delinquents who are, though intellectually apparently intact, yet morally feeble-minded, we are dealing with a class never contemplated by the lunacy laws. The only test for the committal of these persons is the test of conduct. Before the passing of the recent Inebriate Acts the application of such a test might be regarded as a dangerous innovation in British legislation, but as the principle has been conceded by these laws there can be nothing illogical in demanding that they be extended so as to include the class of the morally infirm offender. There are many persons in Scotland, especially in the larger towns, whose repeated convictions for petty offences in the police courts raise prominently the question of their mental unsoundness. It is true that the great majority of these chronic offenders are inebriates, but the State has already acknowledged the mental irresponsibility of the more confirmed section of this class. Many, however, are not inebriates in the true sense of the word. Some of them are kleptomaniacs; others are imbeciles who tend to commit breaches of the peace upon trivial provocation others again are so irritable or profligate, or so lacking in self-control, that they are incapable of directing their own conduct. It is not too much to say that some weak-minded offenders pass most of their time in gaol. I append a Table extracted from the Judicial Statistics (1903) for Scotland, which enumerate the number of persons who had had upwards of fifty previous convictions :—

*Showing the Number of Persons Convicted for Petty Offences in Scotland in 1903 who had had more than Fifty Previous Convictions.*

| Number of Previous Convictions. | Males. | Females. | Total. |
|---|---|---|---|
| 50 to 100 - - | 378 | 604 | 982 |
| 100 to 150 - - | 78 | 187 | 265 |
| 150 to 200 - - | 5 | 52 | 57 |
| 200 to 300 - - | 0 | 28 | 28 |
| Over 300 - - | 0 | 1 | 1 |
| Totals - - | 461 | 872 | 1,333 |

I have taken the standard of fifty previous convictions, because there might be some doubt as to the mental irresponsibility of the subjects of a smaller number. Personally I can hardly conceive it possible that a person who has had upwards of fifty convictions, for any reason, is mentally normal, but I am willing to admit that it would be as much an error to state that they are all insane as to state that they are all sane. In any case, the truth can be arrived at in another way, namely, by the individual examination of each of these persons.

But whatever opinions may be held as to the sanity or insanity of these 1,300 persons, every one will admit that their repeated committal to prison is useless; that it produces no reformation; that it rather tends, if that is possible, to callousness and further degradation. Moreover, it is by no means a cheap or inexpensive method of dealing with them.

The 1,300 persons just referred to might with advantage be divided into two classes, *viz.*: (1) Those who are judged to be of unsound mind, and (2) those in whom the intellectual evidences of mental unsoundness are slight, but whose conduct points distinctly to moral weakness and irresponsibility. The first class ought to be sent to ordinary asylums on ordinary certificates. The second class should be sent to special institutions of the colony or village asylum type. It would of course be undesirable to commit any person to such an institution without full judicial enquiry at which medical evidence would be taken, but I see no necessity for ordinary certification.

Here I may state what is merely a personal opinion, that, considering the intimate connection between crime and mental unsoundness, all chronic offenders, but especially youthful offenders, ought to be examined by an expert in mental diseases with a view to determining their mental condition. I am convinced that by this means and by the committal of all these mentally unsound offenders to suitable institutions, a good many of the difficulties which at present confront us would be relieved. As an illustration of what I mean I append the following Tables of the result of the random examination of sixty-five short sentence female prisoners in the Edinburgh and Glasgow prisons by Dr. Craufurd Dunlop and myself. At the Edinburgh Prison we examined only prisoners with not less than ten previous convictions, and at Glasgow with not less than thirty previous convictions. We found, over all, that not less than 60 per cent. of the whole number were mentally abnormal. The abnormality varied from a slight degree of imbecility up to the most unmistakeable symptoms of mental unsoundness.

EDINBURGH PRISON.—*Female short sentence prisoners with not less than ten previous convictions. Taken at random.*

| Previous Convictions. | Numbers. | Mental Condition. | |
|---|---|---|---|
| | | Sane. | Defective. |
| 10 to 20 - | 12 | 4 | 8 |
| 20 ,, 30 - | 5 | 3 | 2 |
| 30 ,, 40 - | 5 | 1 | 4 |
| 40 ,, 50 - | 2 | 0 | 2 |
| 50 ,, 60 - | 1 | 0 | 1 |
| 60 ,, 70 - | 1 | 0 | 1 |
| 70 ,, 80 - | 1 | 1 | 0 |
| 80 ,, 90 - | 1 | 0 | 1 |
| 90 ,, 100 - | 0 | 0 | 0 |
| Over 100 - | 3 | 0 | 3 |
| TOTAL - | 31 | 9 | 22 |

DUKE STREET PRISON, GLASGOW.—*Short sentence female prisoners with not less than thirty previous convictions. Taken at random.*

| Previous Convictions. | Numbers. | Mental Condition. | |
|---|---|---|---|
| | | Sane. | Defective. |
| 30—40 | 9 | 6 | 3 |
| 50—60 | 2 | 1 | 1 |
| 50—60 | 8 | 2 | 6 |
| 60—70 | 3 | 1 | 2 |
| 70—80 | 0 | 0 | 0 |
| 80—90 | 1 | 1 | 0 |
| 90—100 | 0 | 0 | 0 |
| 100—150 | 9 | 3 | 6 |
| over—150 | 2 | 1 | 1 |
| Total .. | 34 | 15 | 19 |

Certification is a variable, and in many respects a useless distinction, except in so far as it safeguards the liberty of the subject, which in this instance is not in question. An institution for the detention of such persons should be under the charge of a physician skilled in the treatment of mental diseases, and assisted by a staff of assistant physicians. In short, it should be managed exactly like a modern asylum, and should have no prison element about it at all. It should possess abundance of land for agricultural and other pursuits. It should be built upon the village type, and possess a central hospital for the treatment of physical disease, of recurrent attacks of insanity to which this class are peculiarly subject, and for the observation of cases whose mental condition requires prolonged clinical study before judgment is pronounced in criminal cases. It is a question to be considered whether such an institution as I have described should be also an asylum for criminal and dangerous lunatics or not, and whether the present inadequate accommodation for criminal lunatics at Perth ought not to be removed from the prison there and incorporated with such an institution. But, whatever its other functions, one thing is abundantly clear to my mind, that it ought not to be in any sense a penal institution, and for the same reason that it should not be in any way connected with the administration of prisons.

I come now to the important question of how these institutions are to be organised and administered. In the first place, Scotland being a small country, they must be central institutions. If they are central they must be State institutions, with this provision, that each district or community shall pay for the maintenance of its own members who are inmates of the institutions. But if they are to be State institutions they must be subject to State inspection and supervision. Upon the question of who the supervising body should be, depends the welfare and success of the whole scheme. There are already a sufficient number of public departments in Scotland, and the creation of a new one *ad hoc* is to be deprecated. If the Scottish public departments are to remain as they are at present, then I have no hesitation whatever in declaring my opinion that institutions for the various classes I have mentioned should be under the lunacy authority. I do not pretend for a moment that they would therefore be better managed. It is the duty of the country to see to it that such institutions are efficiently conducted whoever the superiors may be. My reasons are as follows: (1) The persons to be treated are either insane or weak-minded, or suffering from physical infirmity. (2) If there is to be any advance in our knowledge of the processes which underlie the various symptoms of mental and physical deterioration, under which most of these patients labour, they must be studied medically exactly as other forms of mental affections are studied, by trained and skilled physicians. (3) The medical element in administration must prevail to the exclusion, or at any rate the subordination, of the penal. (4) The intimate alliance of the malady of the certified with that of the uncertified insane would necessitate the constant interchange of individuals from the one class of institutions to the other. (5) The construction, management, and hospital character of modern asylums is essentially the same as that which ought to characterise any modern institution for the reception and treatment of epileptics, inebriates, and weak-minded offenders. Sooner or later some such proposal as I am now formulating must in one form or another come into practice, and it is highly desirable that it should emerge under the influence of the best available traditions. The traditions of the lunacy system in Scotland are exactly the traditions which are required for dealing successfully with the weak-minded offender and the inebriate. It is useless to think of punishemnt, which at best can only be defended as a means of reform. But if we believe, as we surely must do, that reform in this instance is difficult to attain, and that the main object is to preserve the decency and order of the community, and to promote the welfare of the individuals concerned, then we must adopt some such scheme as I have sketched. Not only are the traditions of the lunacy system in this country the most desirable for dealing with the class in question, but the construction of the modern asylum of the village type is the best form of institution for their detention, for it combines the advantages of the hospital system with that of the labour colony.

The great advantage of the "village" asylum is the segregation of the various buildings into small villas, which permit of the classification of the inmates to any extent that is desired, so that the quieter inmates can be wholly separated from the noisy and more turbulent, the acute patients and those requiring active medical treatment from those who are in need of no treatment; and, finally, those who are capable of enjoying more extended liberty can live apart from those whose actions demand, for any reason, close supervision. The village type of asylum has been in existence in Germany for many years, and was there first of all made famous by the well-known asylum of Alt-Scherbitz in Prussian Saxony. We owe its introduction into this country to the late Sir John Sibbald, who recommended the erection of that type of institution for the new City Asylum at Bangour. The idea was adopted by the Aberdeen District Lunacy Board in the construction of their new asylum at Kingseat, which is now in full working order, and is the first village asylum opened in Great Britain. At the present time there are two other similar asylums in course of construction, namely, the Edinburgh Asylum at Bangour, and the new asylum for Renfrewshire at Dykebar, near Paisley.

### 3. Vagrants, Loafers, and Ins and Outs of Poorhouses.

These form a large class who are only differentiated from the preceding class of delinquents by the fact that they are less in evidence in the police courts. I am unable from personal experience to speak authoritatively about them, but I understand that others from Scotland will lay before the Commission a detailed account of them. I have often been struck by the low intelligence and want of character among several of them whom I have casually met in the course of my professional duties. I recently had the opportunity, along with a well-known Edinburgh medical man, who is interested in such matters, of visiting two Scottish poorhouses. The following is an epitome of the notes we made during our visits:—

*First Poorhouse.*

We were informed that there were about 200 inmates, but we saw less than 100 of them. The building was an old one, and the grounds very limited. We visited the wood-cutting shop, the children's nursery, a few dormitories for men and some for women, the men's day room, the laundry, and the sewing room. When going round we picked out fourteen imbeciles, but there may have been others whom we did not see. The fourteen referred to were all well marked cases. Among them was one lad who had been trained at the Imbecile Institution, Larbert, he could converse very fairly and reasonably, but was evidently unfit to take care of himself. Another imbecile seen was a woman apparently about twenty-five years old, she was markedly defective, could neither count, read, spell, nor tell the time when shown a watch; this woman had been the mother of two children. She is an "in and out" and when out makes a precarious living by prostitution. The medical officer stated that this woman ought to be permanently detained, but that in his opinion it would be cruel to certify her as a lunatic. Among other cases we saw were two epileptics, both somewhat feeble-minded, a defective blind boy, a deaf and dumb boy with periodic attacks of excitement, and a feeble-minded man whose wife and child were also in the house, all being imbecile, the wife very decidedly so.

*Second Poorhouse.*

The second poorhouse had at the time of our visit 185 inmates. We were accompanied by the governor who showed us in all about 100 of the inmates. Of these only eight were apparently weak minded.

(1.) Female, aged thirty years; had been seven years in the House; is an epileptic and speaks with an imperfect articulation; suffers from chronic hip-joint disease. She conversed intelligently.

(2.) Female, fifty years; has been thirty years in House. She is able to work in the kitchen, but is markedly defective and cannot talk intelligently. Has had an illegitimate daughter who is a lunatic, and a grandaughter (daughter of the preceding) who is an idiot.

(3.) Male, aged fifty-four. An "in" and "out." Found him working in tailor's shop. He spoke intelligently; told us he had been in an asylum suffering from mental depression.

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(4.) Male, aged forty-three. Twice in asylums suffering from mental depression the result of drink. An "in" and "out." Said he was a labourer, but confessed that he had never done much work.

(5.) Female, aged forty. Subject to recurrent attacks of mania; has only been in House a few weeks. Is to be certified and removed to an asylum.

(6.) Female, aged twenty-one. Was reared in poorhouse. As a child she was troublesome owing to her tendency to set things on fire. Was sent out to domestic service, but only remained a few weeks in any one place. Has had an illegitimate child. Afterwards married a man as weakminded as herself. She does not know where her husband is.

(7.) Female, aged fifty-eight. Discharged from an asylum. She is demented and apparently unable to take care of herself.

(8.) Female, aged forty-four. Has been thirty years in the House; cannot read or write; has had an illegitimate child. She is quite quiet and harmless.

These cases illustrate the necessity for the permanent detention of the younger female imbeciles. It is a matter of comparative unimportance where they are detained, whether in poorhouses or along with the other classes whose detention has already been discussed. If one may judge from the comparatively small numbers dealt with in the preceding figures there are probably few feeble-minded persons among the ordinary inmates of Scottish poorhouses.

### (4.) Inebriates.

My experience does not entitle me to speak with any authority upon this subject. I should like, however, to say that the distinction which is drawn between them and the classes I have already referred to appears to me to be an artificial one. Alcoholism is but an incident—an important one, certainly—but not the main factor in the majority of cases. Of the 65 prisoners examined by Dr. Dunlop and myself 48 were in jail for drunkenness, and 31 of these were mentally unsound, in our opinion.

M.B. Female, born 1875. Her father was a pauper. Her mother committed suicide. A brother is in an asylum. When a girl she was boarded out as a pauper, having been abandoned by her parents. When about 17 she became a prostitute. She has a police record of about seventy convictions. She has been about twenty times in poorhouses. She has been four times certified insane and four times discharged from asylums as recovered, in the course of three years. She is now an inmate of the State Inebriate Reformatory. She is congenitally mentally defective, unreasonable, erratic in her conduct, has a violent temper, and, under any stress, becomes acutely insane with delusions and violent conduct. She is efficiently cared for in the reformatory or in prison, but is quite unfit to be at large.

C.G. Female, aged 39. This woman, who is a low grade imbecile, was for a year and a half an inmate of an inebriate reformatory, and discharged from there as a lunatic. Her history is one of neglect; when 23, her mother died; shortly after that her father turned her out of the house, and for sixteen years, excepting such times as were spent in prisons, poorhouses, and other institutions she supported herself by prostitution. For years she was homeless and in the habit of sleeping on common stairs. In the reformatory her conduct was silly in the extreme; for instance, at times she would refuse to get into bed and had to be coaxed to do so by the promise of sweets. Although frequently under the observation of the parish officials in the poorhouse and handed to the parish officials when discharged from the reformatory, she was not certified nor given the care and treatment necessary for her condition.

I. T. Born 1878.—This woman, a deserted wife and a drunken, disorderly prostitute, frequently in prison, had maniacal attacks there which were ascribed to *delirium tremens*. She was sent to a certified inebriate reformatory, on account of these maniacal bouts; she was there found to be uncontrollable and removed to the State Inebriate Reformatory. In the State Reformatory the bouts continued, and as their nature was fully recognised she was certified and removed to an asylum. Nine months later she was reported by the asylum superintendent to be recovered, and brought back to the State Reformatory; but after admission it was soon found that she had not recovered, but that the maniacal bouts came on with the same regularity as formerly; she was again certified. On the day her Reformatory sentence expired, the day on which she became a local charge, she was reported to be again recovered, and discharged. Within six months from that discharge she was four times sentenced to imprisonment, three times certified to be insane, and twice discharged from the asylum as recovered.

The present administrative machinery, in Scotland, whereby the mentally unsound of all classes are dealt with under the Lunacy Acts, is admirable, but it requires some amendment and extension so that all persons who, on account of mental impairment or deficiency, require care and treatment, should receive it. Those mentally unsound persons who are properly looked after by their friends or relatives are not contemplated in the following summary of recommendations.

1. All neglected cases, and all cases frequently apprehended by the police should be subjected to examination as to their mental condition by an expert in mental diseases.

2. Observation wards, similar to those now in existence in Glasgow, should be established in every large centre of population and all cases regarding whom there is any doubt ought to be sent there for observation. A similar system prevails in Copenhagen where the Psychiatric Clinic in the Communal Hospital is freely used by the police for this purpose.

3. Persons who are manifestly insane ought to be certified in the usual way and sent to asylums.

4. Persons who are morally though not to a marked degree intellectually insane should be comitted by the Sheriff to a State institution of the "Village" asylum type for such terms as may be thought advisable. The maintenance of the inmates in such institutions must be at the expense of their own parishes. The institution should be medical in its management, and might include the present Criminal Lunatic Department at Perth. The establishment of such an institution would secure the proper care of the great majority of this class of person, for it would not only meet those cases whose detention in asylums is considered unnecessary, but those parish authorities who are apt to shirk the trouble and expense of dealing with this class of moral imbecile might probably find it less expensive to deal with them directly than to leave them in the hands of the judicial authorities. I should also favour the compulsory detention in poorhouses of certain of the more troublesome "ins and outs," many of whom are weak-minded.

5. It should be made obligatory upon parish councils to undertake the care of all neglected educable imbecile children in the same way as they at present deal with the ordinary insane. If this were done it would necessitate the enlargement of the two present imbecile training schools and the establishment of at least two more.

6. A wider recognition of insane conduct as a sign of insanity and as a basis of certification is urgently required. It would not, I think, be possible to do this by legislatively defining insanity, but the slowly approaching recognition of the irresponsibility of certain sections of the community such as many inebriates, spendthrifts, and chronic delinquents, would be greatly hastened by some form of legislation such as I have indicated.

21199. (*Mr. Byrne.*) I would like to ask a few questions of the same nature as I put to the secretary. You do not publish in your annual report any statistics as to the causes of insanity in Scotland?—No.

21200. Have you got those statistics?—No.

21201. Have they been excluded on purpose?—They have, I believe. The information at the disposal of our Board was so imperfect that it was considered better not to publish them.

21202. So you have no body of information in Scotland to throw light on the interesting question as to how far heredity affects the number of the mentally defective in Scotland?—So far as heredity affects insanity it is well known that most of the insanity in the country is directly or indirectly due to heredity.

21203. That is accepted?—That is accepted.

21204. You say in your statement, in dissuading any steps being taken with a view to dealing with these people on the lines of preventing their propagation; "if mental unsoundness were a foreign strain introduced into a community, then it could possibly be extirpated in one of the several ways suggested, but as it is merely a variety which, so long as individuals are not at a dead level of mental endowment, must always arise anew, it is useless to propose any such means for checking its production." If heredity is universally recognised as the main factor, you can scarcely call it a mental defect which is always arising anew?—The question is a little complicated to this extent; no doubt there is heredity in the case of the great majority of lunatics, but perhaps I could put it more shortly by saying, in my belief, if you were now to enforce the confinement of all the feeble-minded in the country, in two or three generations the state of matters would probably be exactly what it is now. Of course I cannot prove that statement.

21205. May I put it in this way, that you think that even if you cut off the obvious existing defective families in such a short time as two or three generations you would have just as many?—So I believe.

21206. That of course is not a usual opinion, is it?—It is not a usual opinion.

21207. It is so important, and you have such experience in the matter, that one would like to have it very clear. If you look at the interesting pages at the end of your last Report, giving the conditions, as regards relationship with defective people, of the inhabitants of Barra and those other islands where you have a considerable number of lunatics, every one of whom has an enormous number of defective close relations, and none are without such relations, do you consider that if you drained all those people of all the tainted families and left only the untainted, you would have exactly the same in three or four generations?—I would modify my statement to the extent of saying that you probably would not have the same conditions, but you would have very similar conditions. I should like to explain why I think so. I say in the passage you quoted that "if mental unsoundness were a foreign strain introduced into a community, then it could possibly be extirpated in one of the several ways suggested." It must be borne in mind that no two individuals in the same family are alike, no two members of a litter of puppies, or of young pigs, are the same; they all differ from one another, and even in the purest breeds of stock you can only keep up the purity of the stock by eliminating all the individuals that depart from the type aimed at. It is a common case I think well known among breeders of stock that unless that is done the stock "throws back" very quickly. It is the same with human communities.

21208. The analogy requires, for completeness, the supposition that feeble-mindedness is a sort of original condition?—It is a variety.

21209. Do you think that?—Undoubtedly.

21210. And civilised and sensible rational people have developed from a stupider set of people?—No, I do not hold that.

21211. To follow that analogy of throwing back with animals, it must be so?—That is a technical expression used by breeders to suggest the occurrence of a distinct variety, an undesirable variety.

21212. What I wanted was to elicit your strong opinion that in dealing with these matters we need not think anything about heredity at all?—I do not think so.

21213. May I take it that that is the opinion of your colleagues and most of those you know?—That is entirely a personal opinion.

21214. Is it an unusual one?—It is a little unusual. I think I could find a great many authoratitive opinions to confirm it.

21215. Amongst your own colleagues and people among whom you work for the benefit of these defective people there are different opinions?—There are different opinions, I suppose. I do not think I took this from my own colleagues at all, I took it from workers in other fields.

21216. To turn to another point about people of defective mind in poorhouses which have no wards licensed by you for their detention and care, have you any legal authority with regard to those persons at all?—We have the power to visit and inspect the poorhouses at any time.

21217. Any poorhouse?—Any poorhouse.

21218. Is that power regularly exercised?—No, it is not.

21219. I think you yourself visited two poorhouses at one of which out of 100 inmates you found about fourteen persons, and in another about eight feeble-minded persons, that is about 10 per cent., some of whom I gather, from the language you use, you yourself would not hesitate to certify?—I would not.

21220. And all were pretty conspicuously feeble-minded. That is a very large number, is it not? There are 66,000 registered paupers in Scotland, are there not?—About that number.

21221. Ten per cent. of those is a substantial number if they are all feeble-minded. It would increase your list of lunatics by 50 per cent.?—It would scarcely be fair to apply these figures as a comparison. I do not think 10 per cent. of the ordinary paupers of Scotland would be found to be feeble-minded.

21222. You think these were exceptional places?—Yes.

21223. You visited them, no doubt, for that reason?—For that reason.

21224. What would be your experience in visiting poor-houses; would you expect to find about the same number?—I think you would probably find the same proportion in all the poor-houses in Scotland.

21225. If that is so it follows that in stating the number of people of mental defect in Scotland we must make a very substantial addition to those who have been mentioned in your statement as under your care and observation?—May I point out where I think you have made an error. The 66,000 paupers in Scotland are not in poor-houses; the majority are outside getting relief.

21226. The tramp?—No, the great majority of the ordinary paupers get out-door relief.

21227. But still he might be imbecile as well as an indoor pauper. You have no prejudice in Scotland against giving outdoor relief to imbeciles; it is a regular custom?—Then they come under our cognisance the moment they get relief. They become lunatics if they are relieved on account of their mental condition.

21228. I want to ask you about the question of discharge from asylums in Scotland. I gather from the tone of your remarks that the Board thoroughly agree with the policy of immediate discharge as soon as people are quiet and tranquil, and regret the growing unwillingness of superintendents to act on that, is that so?—That is not so; that paragraph which you are quoting from the Report was written about the discharge of unrecovered patients to private dwellings.

21229. But I am referring to page 75 and the next three pages where it gives the reasons for the increasing fall in the rate of discharge?—The passages there refer, I think, entirely to removal of unrecovered harmless patients from the asylum to private dwellings, but still under the jurisdiction of the Board.

21230. So the only discharges that the Board regret to see diminishing in number are those from one sort of care to another sort of care?—Exactly.

21231. That leaves the general question free. A superintendent has absolute power of discharge?—A superintendent has absolute power of discharge.

21232. The law gives him no light as to what the word "recovery" means?—The word "recovery"? I think occurs only once in the Scottish Lunacy Act, and that is a mistake. It occurs as a rubric in Section 17 of the 1862 Act, but it does not refer to recovery at all; it is but a mistake of the printer. The superintendent discharges the patient when he thinks he is recovered, and the reception of the notice by our Board constitutes a technical discharge of the patient from the asylum. There is no section of the Act dealing with the question.

21233. And there are no directions from your department?—None.

21234. Do discharges take place, do you think, in Scotland much for the same reason and on the same ground

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as they do in England, of an alleged recovery ?—I think precisely for the same reasons.

21235. What conclusion do you draw from the statistics which I mentioned before, that out of 2,500 people no less than 557 had gone back, some twice, and almost immediately ? Do you think those were judicious discharges, or that probably some were questionable ?—If a reasonable interval occurred between the discharge and the return of the patient I think they were judicious discharges.

21236. Do you think it is a thing we must always contemplate, that, whereas most lunatics are not always raving, a large number of lunatics will be freed ?—Yes, certainly. Of course, when they are free they are not regarded as lunatics.

21237. In Scotland " lunatic " means a certified lunatic, but I am speaking as an Englishman ?—If a patient has a lucid interval of a year or a year and a half, it is only reasonable that he should be discharged.

21238. You think such a person should be discharged always ?—Yes.

21239. Have you many people in Scotland who are constantly in and out of prisons and asylums ?—A great number.

21240. People who get drunk and do wilful damage are sent to prison for a month, then sent to an asylum, discharged at once from the asylum, and then get a month's hard labour for assaulting a policeman on their way home from the asylum, and get certified again and so on. Have you many of those ?—With the exception of assaulting the police on the way home we have a great number.

21241. I am reading from a case given to the Prison Commissioners in England. You have such cases ?—Yes.

21242. Do you contemplate that there is no escape from the situation that those people must go on being sane when sober, being insane when drunk, certified insane by a competent man to-day, certified recovered by an equally competent man the day after to-morrow ? Must the same dreary round go on ?—Unless you get fresh legislation.

21243. Do you think we ought to be content with that ? —No.

21244. In what direction do you think we could get that altered ?—I have suggested a scheme.

21245. You suggest that every person convicted should be examined for his mental condition. What conclusions would you draw supposing the examination was unfavourable; supposing for the twenty-second time a woman gets into prison for being drunk and breaking the public house window, and the doctor then, under the law, examines her and says she cannot be certified insane, but she will go on getting drunk and in asylums all her life, what suggestion would you make ?—I think the inquiry should take place before the Sheriff in Scotland.

21246. Supposing it did, and the woman was found guilty, what would you do with her ?—Commit her to such an institution as I have described.

21247. For ever ; with a system of licence, but for ever, simply ?—It is a very difficult question.

21248. You would not commit her for a short time ?— No.

21249. That would be absurd ?—That would be absurd

21250. Would you commit her for a reasonably long time, and if so, on what grounds ? Do women of that sort recover ? Would a year or eighteen months be sufficient ?—I do not think that would be sufficient. I think three years would be the least for which they should be committed, falling short of an indeterminate sentence.

21251. Are you in favour of an indeterminate sentence in such cases ?—I rather shrink from suggesting it.

21252. It is not a novelty ; if you did suggest it, it would not be startling ?—No, I know, but I should not like to commit myself to that. It might be the best way, if appeals for discharge were facilitated, so that the case might be reviewed from time to time.

21253. That would apply to all these cases ?—To all these cases.

21254. If you once go as far as three years, so far as the liberty of the subject is concerned you might just as well go for life, with proper process of reconsideration ?—With a proper process of reconsideration, certainly.

21255. How do you account for the extraordinary differences in the initial cost of the asylums in Scotland ? They vary from £613 per bed, that is in a large and full asylum, to under £200 per bed. Is the price growing ?— The price I think fortunately is now decreasing. The last new asylum built in Scotland is the Aberdeen asylum, built on the village type. It cost with land, buildings, furnishing, water, and electric light, and all requisites, about £250 a bed. That is our most modern asylum.

21256. That is one on the Alt-Scherbitz system ?— Yes.

21257. How old is the Govan ayslum ?—About ten years.

21258. Why did it cost so much ; is it palatial ?—It is ; it is a very substantial building, and after the plans were approved of by our Board (I am talking of a period anterior to my taking office) I understand that modifications were from time to time suggested by the District Lunacy Board which raised the cost.

21259. So it was their own doing ?—Yes.

21260. You did not call upon them for luxuries ?— Quite the contrary ; there was an attempt made to restrain them.

21261. Do you find that you have perpetually to do that ?—Generally speaking.

21262. To what do you impute that ? Is it the usual generosity of human nature when not dealing with one's own money ? Why should these people want to provide such establishments ?—I think that at one time our asylums were rather poor, and afforded very meagre accommodation, and there was a reaction from that condition, and when once one or two District Lunacy Boards had built modern and fine looking institutions the others followed suit, partly with a desire to do the best for the patients and partly perhaps from a spirit of emulation.

21263. We may take it for granted that people will always have to be suppressed in that way if economy is to be obtained, or if we are to move in the direction of economy ?—Yes, I think the plans of local institutions require to be very carefully criticised by an independent authority.

21264. Can you tell us what is the reason for the difference in the return which appears in your last annual report, the forty-seventh report, as to the cost of maintenance in asylums, as compared with the statement on the same subject given in this Parliamentary return issued a few months ago ? The present statement in your annual report is that it is rather high, but is that on account of the new asylums that have been added which are not yet full, and consequently must be expensive ?—Do you refer to the maintenance or the buildings ?

21265. They both differ slightly in the return ; the chief difference is in the building ?—We have not seen this return. If you will allow me, I will send in a statement on the subject.

21266. (*Chairman*). If you would, so that we may be sure we have the right figures.*

21267. (*Mr. Byrne.*) The cost of parochial asylums is very much less, is it not, both in buildings and in maintenance, than in the county asylums ?—It is.

21268. In that report, page 63, you say that the accommodation and treatment are practically as good as in the asylums. How do you account for it, that one authority can do things so cheaply and the other costs so much ?— One reason which occurs to me at once is that in the parochial asylums which are small there is no resident medical staff ; that at once reduces the cost.

21269. Is there a smaller proportion of nursing staff, do you think ?—There is a smaller proportion of nursing staff.

21270. You must have one to every ten ?—Yes, we advise that.

21271. You are satisfied that that is sufficient ?—We are satisfied with one to ten.

* *Dr. John Macpherson subsequently sent in the following* :—" Columns 5, 6 and 7 of Mr. Hobhouse's Parliamentary Return on the cost of asylums (*Vide Appendix Volume p.* 24) so far as they deal with Scotland, correspond with columns 2, 3, and 4 of the Table at page lxxxiii. of the 46th Annual Report of the General Board of Lunacy for Scotland, except that in the former the weekly cost is given, while in the latter the annual expenditure under each head is stated."

21272. They have a great deal more in district asylums, have they not?—Some have one to nine, which is a very full staff.

21273. A very good proportion?—A very good proportion.

21274. Do you put down any of the economical achievements of the parochial asylums to the fact of their doing more remunerative work by the patients?—I do not think so.

21275. You speak of the district asylums not doing anything out of their farms—making a loss, sometimes. At some other places there is remunerative work; Riccartsbar for instance?—That has a very large market garden, which they find very profitable, and which their patients work.

21276. That is good for the patients, I presume?—They are quite near the large town of Paisley, and have a ready market for their vegetables and fruit.

21277. Do the Commissioners encourage the extension of that sort of thing?—Always.

21278. You do your best to have work provided for patients at an asylum?—We have very little difficulty in Scotland, as a rule. Most of the asylums have farms—some very large farms, larger than we think are necessary in some cases.

21279. None make any profit?—Some say they do.

21280. There is not the slightest approach anywhere to living on their farm?—You mean supporting themselves?

21281. Yes?—No.

21282. Or attempt at supporting themselves?—No.

21283. (*Dr. Donkin.*) With what you said to Mr. Byrne just now I quite agree, that the question of heredity is one that is very difficult to discuss, and it is one not of primary importance in this Inquiry; but it is, I think, of some amount of importance and of some practical bearing. You say "The duty of the State towards the subjects of mental unsoundness is purely ethical, and is limited to securing their safety and well-being, and to protecting the citizen." It may be argued that a large number of the feeble-minded do harm to the community by their actual deeds, being violent or dangerous. That you admit to be sufficient reason for confining them?—Certainly.

21284. So that supposing the diagnosis was made, unquestionably of children of the age of fifteen or sixteen, that such boys and girls seemed destined to be criminal, you would think it justifiable to have them certified and detained, say, with certificates revisable from time to time, even provided they had not committed any crime; would you go so far as that? It is not quite clear how far you would consider that the interests of the community would justify the detention and the deprivation of the liberty of any feeble-minded person. You say, in the case of the criminal, that when he is once found to be criminal, he might well be medically examined and dealt with. Would you, or would you not, think that a very demonstrable degree of feeble-mindedness such as might be ascertained by careful examination in school life should also be dealt with? There are many cases that we all know, of both boys and girls at puberty, where there is such a degree of feeble-mindedness as would make it almost certain—infinitely probable—that these young persons would develop into criminals, be pests to society, and come upon the public funds?—Unless they were neglected and showed marked mental defect I cannot say that I would advocate any interference with them on the ground that they were likely to commit crime.

21285. I am assuming mental defect. I mean a person distinctly mentally defective to such a degree as to make it infinitely probable, in the opinion of those who see them, that they will be dangerous. I want your opinion as to whether you think it would be justifiable to deprive them of liberty on these grounds of being mentally defective and almost certain to become harmful to the community?—Only on the ground of their being mentally defective and neglected; I do not think I should consider the other proposition, that they were likely to be of harm.

21286. They would be likely to be neglected in a large number of cases—the cases that go to the schools. In a large number of cases the families could not take care of them?—I think such cases, in Scotland at any rate, should be sent to training schools for imbeciles.

21287. I am taking a case who has been already in the training school and observed for some time, and has got to the age when, if there were not some legal means of detaining him, he would go out into the world?—If he had to go out into the world unprotected, certainly, I should say.

21288. We have provision made for them up to a certain age in the schools, but they cannot be kept there after sixteen or eighteen. What I have been wanting to get your opinion on is, whether you think in such cases as those who have been in school and have been decided to be mentally defective, and where there is no doubt of what their future would be, and there is no means of taking care of them, it would be justifiable to prevent them doing this harm by practically confining them indefinitely in some healthy institution?—I should go the length of saying that if they are unprotected they ought to be taken care of. In Scotland we take care of them in several ways. We may send them to an asylum, or board them out in private dwellings. They are certified already if they have been in an imbecile institution.

21289. Would you admit as one reason for taking care of them that they would be harmful to the community, or is it only for their own sake?—I should prefer to put it for their own sake. I should prefer to make the ground of taking care of them for their own sake, unless they had made attempts at some criminal action, or shown vicious conduct.

21290. That is the only reason which you think would justify it, but does not the question of hereditary transmission of feeble-mindedness come in?—That is why I have put the paragraph as I have.

21291. To come to another point, I do not think anyone has ever seriously gone as far as to say that if you were to prevent the procreation of the existing feeble-minded it would put an end to the evil altogether. Everybody, whatever their views be, must acknowledge the truth of what you say that there would be other sources from which the feeble-minded would be supplied.—My difficulty is that the more pronounced the imbecility or feeble-mindedness is, the less fertile the individual is likely to be; but the less feeble-minded he is, the more fertile he is likely to be, but you have less power of dealing with him. Therefore, any proposal to that effect would be sure to be inoperative because it could not reach the higher class of feeble-minded, who are, in my opinion, the most fertile because they are the most normal.

21292. Would you admit the general principle that there is a greater tendency in feeble-minded people to procreate the feeble-minded than in the typical normal person?—Than in the typical normal person, certainly there is.

21293. You so far admit the general principle of heredity?—Yes, certainly.

21294. (*Dr. Dunlop.*) Regarding this heredity, your theory is that imbecility is a matter of variation?—A variation which tends to propagate itself.

21295. On the one side it is tending to die out, when you have got your low grade cases, and at the other end it is tending to be reproduced, is it not?—I think invariably it is.

21296. Is not the law of persistence of small numbers a statistical law that is a good one? Do you think any invented artificial means would get round that law and abolish this form of variation of insanity?—I am sure it would not, because the people most likely to propagate it are the least insane-looking of your population.

21297. Mr. Byrne referred to the returns from the island of Barra. Barra has a small population, has it not?—I do not know that it has; I think it has a fair population.

21298. Even two or three thousand from a statistical point of view is a very small number?—I rather think Mr. Byrne was referring to North and South Uist.

21299. It is not fair to apply a wide statistical law to an isolated community?—Not to an isolated community like that, where any variation would tend to inbreed itself.

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21300. If you put the whole population of Barra into the sea and brought selected people from somewhere else, it would abolish imbecility for the meanwhile, but that would not affect the returns for the whole of Scotland?—No.

21301. I gather you are of the same opinion as Mr. Spence that all mental defectives should be under one authority only?—Yes.

21302. You do not want any division into classes?—I think not.

21303. What is your opinion as regards the existence of non-certifiable insanity?—It exists as a matter of fact, but what is known as non-certifiable insanity differs only in degree from certifiable insanity.

21304. In a lunacy certificate what is the test for certifiability; is it the degree of lunacy, or the degree of requirement for treatment? Granted a very slight derangement or defect, surely it is the requirement of treatment that decides certification, is it not?—It decides the action of the authority who moves for certification.

21305. And decides the certificate if the certificate includes it?—It ought to.

21306. The lunacy certificate does so?—As far as the form is concerned it may; the form I think uses a definite expression—"lunatic, idiot or person of unsound mind."

21307. You might complete the rest of the clause?—"And a proper person to be detained under care and treatment."

21308. And it is that that is the essential test, is it not, for certification?—It is the basic test.

21309. An extreme case of insanity after a time is not certifiable. A definite case, say paralysis of the insane, if it is well looked after at home, is not certifiable because it does not require care and treatment?—I should rather put it that no application is made for certification.

21310. But, as a matter of fact, the case is not certifiable?—Yes, it is certifiable.

21311. When there is no necessity for asylum treatment?—If the necessity arose, it would be certifiable.

21312. But a case where there is no necessity?—Where there is no necessity it is not certified,

21313. And it is not certifiable. But that is getting rather academic. We have had given to this Commission a report from the Committee of the Royal College of Physicians of London in which they define various classes of congenital defect and imply that the different classes should be dealt with in different manners. Have you any opinion to give us as to whether there is any hard and fast distinction between idiots, imbeciles, and feeble-minded persons, or imbeciles, morally insane persons, and defective persons?—For clinical purposes and purposes of administration after the person is taken charge of these divisions are useful, and I think the classification of the Royal College of Physicians is probably on that account an excellent one, but as tending to introduce a division between the various grades of mental defect I should deprecate its introduction into Scotland, at any rate; that is to say if that were to be its tendency.

21314. You have seen these definitions. I think you are aware they are very much a repetition of what occurs in Dr. Mercier's book. They are well known. Where a feeble-minded person is separated from an imbecile by his capability of supporting himself, is that a practical division of the class into two from the administration point of view?—I question the correctness of that definition. I know several imbeciles who are capable, and actually do support themselves.

21315. Could you, after these many years' experience, examine a child eight years old and say whether it could support itself or not, and say whether it was imbecile or feeble-minded on that basis?—Certainly not.

21316. If you could not make the division, most experts could not make the division, could they; in fact, none could?—I think it would be very embarrassing.

21317. It is certainly not simple enough to be practical?—I looked upon the classification of the Royal College of Physicians and on Dr. Mercier's classification as being more academic and instructive for the Commission, not as being a practical classification.

21318. You would not advise the defectives to be divided into two classes according to it, and one half put under one authority and the other under another?—Certainly not.

21319. The lunacy system in Scotland includes all defective persons who have to be dealt with, but as it exists it is faulty in one or two details to which you draw attention; first as to the provision for imbecile children?—Yes.

20320. Have you any conception as to what the requirements of the country are in this respect?—I have not? It is very difficult to arrive at it. As to the figures that I have used here, when I say that probably accommodation for 1,000 children would be required, that is a mere calculation. I should like to qualify that by saying that if you only placed educable and trainable children in this institution, probably accommodation for a less number would do to begin with. But at present there is only accommodation in Scotland for 240 pauper imbecile children, which is quite inadequate.

21321. The lowest grades could be dealt with in the ordinary asylums or poor house wards?—I think so.

21322. But the higher grades, when they are more or less trainable, should be dealt with in imbecile asylums?—I think on the whole that would be very much better.

21323. How is it these are not provided for at present? We have got district boards that are bound to provide accommodation, yet there is this blank?—There is no provision in the Act for the erection of imbecile institutions.

21324. Do they not use the asylums?—On the ground that a feeble-minded person is a lunatic, or an imbecile is a lunatic, they do; but the district boards would probably feel they had done their duty if they extended their asylums a little and put such persons into ordinary asylums. That of course would be worse.

21325. The asylum is not a suitable place for trainable children?—For trainable children it is the very worst place.

21326. You are strongly of opinion that it ought to be a distinctly definite duty of the district boards to provide accommodation for the trainable imbecile children?—I think so; but the district boards would require to combine together for that purpose. Some of the districts are very small. For instance, counties like Banff and Haddington have not a sufficient number of imbecile children to make it worth while to erect an institution for them. If district boards were grouped for this purpose over large areas of the country, then they could provide institutions.

21327. What authority should do that grouping?—There is no authority at present that could do so, so far as I know.

21328. Which of the existing authorities might be in a position to do so?—The only authority that could be put in a position to do so would be the lunacy authority.

21329. In your opinion, comparatively limited imbecile asylum accommodation would meet that great requirement of the country?—Yes.

21330. A matter of 1,000 or 1,500 beds would meet the requirements of Scotland at the present moment?—Yes; to begin with I should say 1,000 beds would meet the requirements.

21331. You do not contemplate allowing adult imbeciles to remain on in the various schools?—No.

21332. Such as is done in England?—I do not know about England, but I should think it would be better not.

21333. Do you agree with what Mr. Spence said, that there is no necessity for certifying these children?—I agree.

21334. There is no more difficulty in detaining them there than there is with a boy at Harrow or Eton?—None whatever.

21335. The other class of persons you say have not fully dealt with are certain cases that turn up frequently in and out of prisons. You give some very striking cases. Your scheme to meet these is to establish a State colony or asylum to which they could be sent?—Yes.

21336. What is your conception about the payment?

Would the expense be borne by the State or the parish councils ?—The parish councils, certainly.

21337. What is your reason for saying that ?—One of my reasons is that the parish authorities would remain in touch with their own people ; secondly, that it is their duty to do so ; and thirdly, that if the State were to entertain the care and maintenance of them they would practically become prisons for the detention of these people in which no local authority would have any voice at all.

21338. If it were a State colony or asylum it would be open to a great deal of abuse ; would not it be putting a premium on neglect by the parish ?—To a certain extent I think it would.

21339. Another point I gather from the cases in your statement is that they illustrate that discharge is in a great many cases faulty at the present moment. There is no power to interfere with the medical officer's *dictum* of "recovered," is there ?—There is not.

21340. Do you think it desirable that there should be, in some cases ? Do you think your own Board, for instance, should be able to veto it ?—No, I do not take that view.

21341. Under no circumstances ?—None that have been put forward.

21342. Do you think it right that a patient admitted under the Dangerous Lunatics Act should be dismissed within a few days by a medical superintendent as recovered when it is a known fact that the man has not recovered ; that happened within the last two or three weeks ?—We must remember that in the case of medical superintendents we are dealing with a very large body of men who have practically a free hand in the matter of discharge, who will certainly take different views of the cases brought to them, but I believe they are all actuated by a sincere desire to do the best for the patient. If they think the best is to discharge them, of course they discharge them.

21343. Is not there a great dislike among superintendents to what they call "gaol birds" being sent to the asylum ?—Yes, there is.

21344. That influences them in regard to this particular class ?—I think it influences the whole asylum population, including the lay officers and the other patients.

21345. And including the medical superintendent ?—Not in all cases.

21346. But it is one of the reasons why this person is existent in Scotland, on account of the power of discharge not being altogether wisely exercised in certain cases ; is that so ?—That may be so.

21347. Take the cases related by yourself, where they were three or four times certified in three months ?—Some of these cases would be under Section 6 of the Criminal Lunatic Amendment Act and they were discharged at the termination of sentence.

21348. That is a flaw in the present Act and one that requires amendment ?—That is a point that requires amendment.

21349. To be brought in line with the English procedure ?—Exactly.

21350. Has it been brought to your notice that parish councils bargain about imbeciles before acting on certificates, or obtaining certificates for them ?—I have been informed of that by several medical men. It has never come under my official notice because, although the inspector of poor notifies to us when a case is certified, it is not necessary for him to notify when he has seen a case with a view to certification and has not obtained a certificate.

21351. Do you think that that requires amendment ?—I think probably it does. It would be better if in such cases the refusal to act after intimation, or the refusal to certify, were intimated.

21352. And more specially the refusal to act ?—The refusal to act, certainly ; with the reasons.

21353. When either the parish council has refused to obtain a certificate or the local medical man has refused to certify, do you think the parents of imbecile children should have any appeal against that ?—At present they have an appeal to the sheriff under the Poor Law Act ; probably they do not take advantage of it.

21354. Is that the best mode of appeal you could suggest, or do you think that might be usefully amended ?—The only amendment I can suggest is the one I have mentioned, of notification to our Board of the refusal to act or the failure to certify.

21355. A mere notification does not give power, does it ?—I do not think it would be the function of our Board to compel anybody to certify, or anybody to take action. The most we could do would be to ask two independent medical men to see the case.

21356. If you had a report from two medical men on this particular refused child or imbecile, would that take you much further ?—Then the child could be ordered to be sent to an institution.

21357. That procedure would be very valuable in some cases ?—It would in some cases.

21358. That is the procedure you would advise to be adopted generally ?—I think probably.

21359. That amounts to an appeal to the Lunacy Board ?—I have not thoroughly considered it.

21360. We have had a lot of evidence on that fact, and suggestions for the future regarding the relationship of the education authority to defective children ; have you any views on this matter you could give us ?—I do not know anything about that subject personally, only by reading the evidence given before your Commission. In Scotland the Education Department take no action of that kind unless it be in Glasgow, where special parts of board schools are set apart for the education of defective children.

21361. Do you think the training of a congenitally defective child—an uneducable child in the common sense of the term—should be the function of the education authority at all ?—I think not.

21362. Do you think the education authority should be able to license Homes for imbecile children to be kept in miniature imbecile asylums ?—I think it would be better if such institutions were under the supervision of the Lunacy Commissioners.

21363. You disapprove of any division of authority there ?—I strongly disapprove of it in Scotland. Scotland is of course a smaller country. I cannot speak of in England. In Scotland it would be unfortunate if we had division.

21364. It would be unfortunate if imbeciles were in any way brought under the education authority ?—For care and treatment, certainly.

21365. We have also had a suggestion put before us as to a new certificate introducing the word "feeble-minded" or "mentally defective." Have you any opinions about that ? Do you consider "unsoundness of mind" a comprehensive term ?—Very.

21366. Is it possible to find a more comprehensive one ?—I hardly think so.

21367. If any new term were introduced would it not get a conventional meaning too, which would limit its action, as has happened in the case of the term "unsoundness" ?—I think so.

21368. Regarding the economy of these institutions ; you have had experience of managing them and supervising them and—what is more—institutions where there is a great deal of work done. Do you think there is the least possibility of mentally defective people who are so defective as to require care and treatment doing much towards their own support, in institutions ?—No doubt they can contribute towards their own support, but as to supporting themselves in institutions, I think if you take into account the expense of management, the expense of supervision and other expenses, it would not be possible.

21369. Do you think there is the least possibility of these defective patients in a genuine institution earning one-twentieth of the cost of their care and treatment ?—One twentieth, yes.

21370. You would not come up to the length of a fifth, would you ?—I do not think so.

21371. It is a very small quantity—your expectation ?—It would be small ; I cannot state a figure.

21372. (*Dr. Needham.*) As regards the discharges ; I suppose you think it would be a very dangerous thing to

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interfere with the judgment or the discretion of the superintendent with respect to discharging his patients ?—Yes.

21373. There must always be a very considerable number of people who must be discharged, who are of a neurotic disposition, who get recurrent attacks from time to time with regular intermissions, and who must be more or less in and out of asylums ?—That is so.

21374. Whom it would not be proper to keep continually in the asylums on the chance of their having a recurrence of the attack ?—That is so.

21375. You were talking about the asylum at Govan, which cost £613 a bed. You said certain alterations were made after the plans had been sanctioned by the Board. Have the district board power to make alterations in plans which have already been approved, without your consent ?—I am quoting from hearsay, because it occurred before my appointment. I understand that after the plans had been approved by our Board they projected the proposal of erecting a very expensive tower, or towers, and that they pressed their views upon the Lunacy Board, and that the Board eventually sanctioned it.

21376. It was with the sanction of the Board, at all events, although it might be the unwilling sanction of the Board ?—Yes.

21377. As respects the affiliation of the feeble-minded to the Lunacy Board, is there, do you think, any feeling in Scotland, such as certainly exists in England, with reference to what is called the "stigma" of insanity ? Is that a feeling which is alien to Scotland ?—It exists in Scotland.

21378. Would there be any probability, if the feeble-minded were put under the supervision of the Lunacy Board, of there growing up a widely spread feeling that to declare that their children were feeble-minded was really to declare them more or less insane ?—No doubt that would be so to a certain extent.

21379. In spite of that, you do not think it would be desirable that there should be any other department of the State to supervise these people except the Lunacy Board; you think the whole conduct of mental defect in all its forms should be under one central authority, and that the lunacy authority ?—Scotland is a small country, and we have two or three departments; we have the Prison Commissioners, the Local Government Board and our Board.

21380. I was rather thinking of the Local Government Board ?—I should think it a pity to create a new department *ad hoc*. As matters stand, I think the Local Government Board would prefer that we should manage it.

21381. You think the public would not object very much ?—I am sure they would not.

21382. You think it would not lead to the hiding away of the fact that these children were feeble-minded ?—I should think not, because, as I understand it, the scheme only includes neglected and pauper children.

21383. All the children who are not neglected and have got good homes you would leave in their homes and would not interfere with them ?—Certainly.

21384. As respects the moral imbeciles or defectives, you recognise obviously that there is a very distinct class of moral defectives who are perhaps the most dangerous of any of the defectives ?—That is so.

21385. Do you not think there will be extreme difficulty, having regard to the present mode of certifying, in certifying many of these moral defectives if certification be requisite to ensure their detention ?—I recognise that when I suggest that there should be no certification.

21386. Then how would you detain them ?—I would detain them after inquiry before the sheriff, very much in the terms of Section 89, on which Mr. Spence gave evidence this morning. Of course medical evidence would be given at the inquiry.

21387. In the last paragraph of your statement you say : "A wider recognition of insane conduct as a sign of insanity and as a basis of certification is urgently required." Would not that apply to these cases ?—It would.

21388. It is almost entirely on the insanity of conduct that the evidence of insanity exists ?—That is so, but unfortunately the medical profession as a whole do not take that view of it as yet, and they refuse to certify many of them.

21389. But if there were a different form of certificate—such as I indicated in examining another witness—which stated that the person was of unsound mind and incapable of properly managing herself and her affairs, without specifying any of the facts, would not that be a way of getting over the difficulty ?—That might smooth the way for certain medical men who refuse to give their reasons.

21390. It would make it much easier to get these people certified ?—It would make it easier for certain medical men to overcome their scruples.

21391. You heard what I asked Mr. Spence about the incipient insanity clauses ; do you agree with him that notification is not desirable ?—That is the opinion taken by my colleagues. By our department it has been held for some time.

21392. Would you mind telling me why?—The reason was that they did not wish the stigma of certification, or rather of registration, to attach to these people.

21393. But what guarantee have you, if you do not know of the existence of these people, that their treatment is what you would like it to be ?—We have no guarantee whatever.

21394. And you have no guarantee whatever, I take it, of the number who are being so treated in Scotland ?—We have no knowledge whatever. As a matter of fact, we know indirectly of most of them, because the houses to which they are sent for treatment are our licensed houses, and the licensee is bound by the conditions of his licence to notify us as to every boarder he receives into his houses whether he is sane or insane.

21395. Then you mean to say that nearly all the people sent under the incipient insanity clause, as I call it, are sent to houses licensed by you ?—A large number of them.

21396. Have you reason to suppose there is a very large number sent to other houses which are not licensed by you ?—I have no reason to suppose that there are. There may be ; we do not know. I should think that only the consultants in the large centres make general use of that certificate.

# FORTY-FIFTH DAY.

*Friday, 2nd March*, 1906.

PRESENT

The Right Hon. The EARL OF RADNOR (*in the Chair*).

W. P. BYRNE, Esq., C.B.
C. E. H. HOBHOUSE, Esq., M.P.
H. D. GREENE, Esq., K.C.
C. E. H. CHADWYCK-HEALEY, Esq., C.B., K.C.
The Rev. H. N. BURDEN.
W. H. DICKINSON. Esq., M.P.
Mrs. PINSENT.
H. B. DONKIN, Esq., M.D
J. C. DUNLOP, Esq., M.D.

HARTLEY B. N. MOTHERSOLE, Esq., M.A., LL.M. (*Secretary*).

RICHARD BROWN, Esq., called; and Examined.

*Richard Brown, Esq*

2 Mar. 1906.

21397. (*Chairman.*) You have been so kind as to give us a statement of your evidence; may we put it on our notes?—Certainly.

STATEMENT OF THE EVIDENCE PROPOSED TO BE GIVEN BY RICHARD BROWN, ESQ., CHARTERED ACCOUNTANT, EDINBURGH.(*)

I am a Chartered Accountant of Edinburgh and have been in public practice as such for more than twenty-five years. I hold also the official positions of Secretary to the Society of Chartered Accountants in Edinburgh and to the General Examining Board for Chartered Accountants of Scotland.

I am desirous of offering information to the Commission as regards the administration in Scotland of the estates of persons who are found by the Court to be incapable of managing their own affairs or of giving directions for their management.

From an early period the Court of Session, which is the highest Court in Scotland, has exercised a power of appointing an officer to whose care, under the supervision of the Court, are entrusted estates and interests without a capable owner or administrator. Such an officer is styled a judicial factor.

The Crown originally was wont to exercise its right, as *pater patriæ*, of naming protectors to subjects furious or imbecile. By the Act of 1585, c. 18, the nearest agnate of such persons was entitled to have them cognosced insane, and to be served as tutor.

Recently by the Court of Session Act, 1868, s. 101, a simpler procedure for cognition of insane persons was introduced. But the restrictions of these statutes, both as regards procedure and the definition of insanity, prevented many persons who were truly incapable of managing their affairs, from being put under guardianship. This consideration, and the unavoidable delays which occurred, added to the facts that the nearest agnate was often not available, and that a tutor was not entitled to remuneration, led to applications to the Court for appointments of *curators bonis ad interim*. The satisfactory manner in which such appointments worked led to their very general adoption, not only *ad interim* but for an indefinite period; and these officers are now under the regulations of the Act known as the Pupils Protection Act, 1849, and the supervision of an official of Court designated the Accountant of Court.

The definition of insanity in the Court of Session Act, 1868, is as follows:—"Such person shall be deemed insane if he be furious or fatuous, or labouring under such unsoundness of mind as to render him incapable of managing his affairs." Under this process of cognition the case must be tried before a Judge of the Court of Session and a special jury, but it is now hardly ever resorted to.

The powers and duties of judicial factors were at one time regulated by an act of *sederunt* (that is an act of the Judges of the Court of Session) of 1730, but this was practically superseded by the "Act of Parliament for the Better Protection of Pupils, absent Persons and Persons under Mental Incapacity in Scotland": of 1849, already mentioned. By the Judicial Factors Act of 1880, the power of appointing judicial factors, in cases of estates the yearly value of which does not exceed £100, was extended to the Sheriff (or County) Courts in Scotland, an appeal from these Courts to the Court of Session being competent.

Judicial factor is a general term applicable to all persons appointed by the Court to take charge of estates. A person appointed to the property of a minor or of an *incapax* is specifically known as a *curator bonis*.

The conditions justifying an appointment may be either mental or physical, and in either case the question to be determined is, do they render the party incapable of managing his affairs? Something short of what was necessary for cognition under the old law will justify the appointment. It is not necessary that the party be absolutely insane if mentally unfit to manage his affairs. Appointments have also been made in cases of physical incapacity such as paralytic affection, apoplexy, deaf and dumb, and blind and deaf, but it would rather appear that the Courts are averse to appoint on grounds of physical incapacity alone.

The procedure is as follows:—

A petition is presented to the Court by either the *incapax* himself, his relatives, or, failing relatives, any parties interested; by the Accountant of Court where a factor has died or ceased to act, and by the Lord Advocate where a report has been made to him under the Lunacy (Scotland) Act, 1857. These petitions come before a Judge only, either the Junior Lord Ordinary of the Court of Session or a Sheriff or Sheriff Substitute in the County Courts, and are not referred to a jury. There must be produced with the petition certificates by two medical men on soul and conscience to the effect that the party is incapable of managing his affairs or of giving direction for their management, and stating specifically the cause of this incapacity and its duration. One of the certificates must be by a medical man unconnected with the asylum where the *incapax* may be detained. The petition must be served personally on the alleged *incapax* and upon the other persons interested, who are named in the petition. Eight days' notice is given. All parties interested may appear in the case, whether the petition has been served upon them or not. Where the appointment is opposed by the alleged *incapax* with a denial of incapacity, the Court may cause an enquiry to be made into his state and may examine him and other witnesses, or may adopt what course is considered best to obtain the necessary information. The alleged *incapax* is not entitled to demand a cognition and formal medical enquiry.

Speaking generally, any male person twenty-one years of age, within Scotland, in solvent circumstances and not disqualified by incapacity or interest, may be appointed *curator bonis*. Where no objection is stated or appears, the Court will usually appoint the petitioner's nominee. Professional accountants are most generally suggested to the Court for these appointments, and this has been the practice for a very long period. In Thom's "Treatise on Judicial Factors," written in 1859, it was stated to have been then the rule for many years.

I have been in several instances appointed curator of the estates of persons incapacitated, and am familiar with the procedure and duties connected with the office.

(*) The historical and legal notes are mainly derived from the article "Judicial Factor" in Green's Encyclopædia of the Law of Scotland.

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The curator's first duty is to find caution or security for his intromissions to the satisfaction of the Court Until this has been done he cannot obtain the official act and decree of his appointment which has the effect of a complete transfer to the curator of all property belonging to the *incapax*. As soon as he has received this he enters upon the administration of the estate. He requires to prepare and lodge with the Accountant of Court within six months at the latest a full and distinct rental of all lands committed to his management and a list of all monies and funds belonging, and debts due to the estate, and also an inventory of any furniture or other movables. He must also acquire all writs and documents of importance belonging to the estate, and collect all monies not securely invested. He must satisfy the Accountant of Court as to the accuracy of the statements lodged by the production of vouchers. He must lodge the money in his hands in one of the Banks in Scotland, and he is subjected to a heavy penalty if he retains more than £50 of money belonging to the estate in his own hands for more than ten days. He must close his accounts once a year on a date to be fixed by the Accountant, and lodge a full statement thereof within one month, together with the relative vouchers. This account is strictly audited and reported upon by the Accountant of Court, who fixes the remuneration due to the curator and superintends generally his conduct, sees that he duly observes all rules and regulations, and, where necessary, reports cases of misconduct to the Court.

When circumstances arise of an extraordinary or specially important nature in the course of the factor's management, he may apply to the Court for special powers, when the Court will consider the expediency of the steps he proposes to take. The usual circumstances under which a factor applies for special powers are where he desires to sell heritage, to grant long leases, to borrow money, or to purchase an annuity. The procedure before the Court is simple and inexpensive.

The Accountant of Court makes an annual report to the Court of Session upon all the judicial factories under his supervision, which report is printed. I exhibit a copy of the report for the year to 31st December, 1904.

The following figures are taken from the summary at the end of the report, and they show the average cost of administering the estates both under Court of Session and Sheriff Court appointments.

COURT OF SESSION FACTORIES.

*Revenue.*

| | |
|---|---|
| From funds | £137,092 |
| ,, annuities, etc. | 40,273 |
| ,, heritage | 99,405 |
| | £276,770 |

*Expenditure.*

| | | |
|---|---|---|
| Ward and beneficiaries | | £124,066 |

*Management.*

| | | Per cent. of Revenue | | |
|---|---|---|---|---|
| Factor | £12,496 | 4·51 | | |
| Accountant | 1,657 | ·6 | | |
| Law agent | 7,411 | 2·68 | | |
| | | 7·79 | | |
| | | | 21,564 | |
| | | | | 145,630 |

SHERIFF COURT FACTORIES

*Revenue.*

| | |
|---|---|
| From funds | £9,840 |
| ,, annuities, etc. | 6,427 |
| ,, heritage | 4,460 |
| | £20,727 |

*Expenditure.*

| | | |
|---|---|---|
| Ward and beneficiaries | | £26,926 |

*Management.*

| | | Per cent. of Expenditure. | | |
|---|---|---|---|---|
| Factor | £2,189 | 6·9 | | |
| Accountant | 487 | 1·5 | | |
| Law agent | 2,072 | 6·54 | | |
| | | 14·97 | | |
| | | | 4,748 | |
| | | | | 31,674 |

It will be seen that the whole cost of administering the Court of Session factories amounts to less than 8 per cent of the Revenue and the Sheriff Court factories less than 15 per cent. of the total expenditure. In the latter case the expenditure has been used as the basis of comparison, as the income in many instances is insufficient for necessary expenses, so that the capital has to be encroached upon. It will be understood that Sheriff Court factories consist entirely of estates of less than £100 annual income.

Under the heading "Law Agent" is included the whole legal expenses connected with the administration of the estate as well as the expenses allowed out of the estate connected with the appointment of the factor. I have ascertained that in the case of persons incapacitated, the average costs connected with the petition for, and appointment of, a curator, where there is no opposition, are £18 to £20 in the Court of Session, and £8 to £10 in the Sheriff Court. Where the petition is opposed the costs are usually larger, but it is in the discretion of the Court whether and how far the costs of unsuccessful opposition will be allowed out of the estate.

While the curator appointed by the Court is not given specific control over the person of his ward, he has in effect such control, seeing that he has command of the whole of the ward's property. In practice the curator sees that hisw ard is comfortably and suitably maintained according to his means. The ward may be placed either in a lunatic asylum or a private house, according to his condition, or he may even be allowed comparative freedom, but he is, of course, under the supervision of the Board of Lunacy, and if the officers of the Board think that the ward is not being properly or suitably taken care of, they may communicate with the curator and require him to make better arrangements.

A curatory comes to an end on the death of the ward, and an appointment may be recalled at any time on the following grounds:—

When the *incapax* can show that he has recovered, or was never incapable, or when the curator is superseded by a tutor-at-law or by a foreign guardian, or when the original appointment was incompetent or irregular. Medical certificates are usually held sufficient proof of the ward's recovery. When the curatory comes to an end the curator applies for his judicial discharge, which is granted by the Court after intimation and the receipt of a report by the Accountant of Court to the effect that the discharge may be given.

In my own experience and so far as I can learn on enquiry, the foregoing system has worked smoothly during the long period it has been in operation, and with satisfaction to all concerned. It appears to be sufficiently elastic to cover all necessary cases. If habitual drunkards or even spendthrifts were certified to the Court as incapable of managing their own affairs, possibly the present law in Scotland might be sufficient to enable the Court to appoint a curator of their estates. But whether under the present law or under a new law I have no doubt that the system of administration which I have described would be found perfectly suitable for all such cases.

21398. (*Dr. Dunlop.*) Generally speaking, this procedure of appointing *curator bonis*, in Scotland, works very smoothly?—Yes.

21399. There is not much contesting in Court or defending?—No, there is very little.

21400. Would you suggest any sweeping change in procedure as being necessary in Scotland?—No, I can

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suggest no change as regards the existing cases, unless you wish to widen the scope of the law.

21401. At present it applies to all incapables ?—Yes.

21402. Whether incapable through physical defect or mental defect ?—Yes. I mention that cases of appointment through physical defect are rare.

21403. Of course they are very rarely required as a matter of fact ?—I presume so. It is believed that the Court is rather averse to appointing on grounds of physical incapacity alone.

21404. I suppose it is very seldom required ?—I have not known many cases myself.

21405. The law in this respect makes practically no difference between mental defect and physical defect, and it consequently is very wide; it is all brought under one clause ?—Yes; the question is incapacity.

21406. Does this procedure in Scotland apply, or should it apply, to habitual drunkards ?—I do not think that any cases have occurred, so far as I know, arising from inebriety alone, but there have been cases where the condition of the individual is such, arising through inebriety, that his mental capacities are impaired.

21407. Can you give us any personal opinion as to whether it is desirable that this procedure should be made applicable to inebriates ?—I should hesitate to apply it to an inebriate in the ordinary sense of a man simply giving way to drink.

21408. But an extreme case where you see a man wasting all his substance on drink and neglecting his work and everything else ?—If you had a case where a man was practically never sober, or at all events, never free from the influence of drink, I think it ought to apply to such a case.

21409. The procedure is very simple, and it can very easily be fitted ?—Yes, there would be no change necessary in the procedure.

21410. You describe the procedure so very fully that I do not think I need ask any question about that specially. Do you know the terms of Section 116 (*d*) of the English Lunacy Law ?—Yes.

21411. We have had a lot of evidence about that section, that it should be widened in its power, and made applicable. Comparing that to our Scottish procedure, which is the simpler; have you any comparison to offer us ?—Under the Scottish procedure you have simply to prove mental incapacity or incapacity to manage his affairs. Under this Section 116 you have not only to prove incapacity but, as I read it, you have to prove that it is incapacity because of mental infirmity, and that the mental infirmity has arisen from disease or age, so that you have actually three different things to prove, or at least three points to prove, against one under the Scotch procedure.

21412. It is very much more restricted, is it not, apparently on the terms of it ?—It obviously gives a great deal more scope for opposition and for difficulty.

21413. It is more restricted and more complicated ?—Yes.

21414. And lends itself more to contest in the law courts; there are so many points ?—I should think so.

21415. You would not like the terms of that section applied to Scotland, would you ?—No, I think we are better with our simple form.

21416. It would be no improvement, you consider ?—No, I am sure not.

21417. Can you give us any opinion as regards the applicability of the Scotch procedure to England ?—I am not acquainted with English law. At the same time I do not see why the procedure should not be assimilated to the Scotch procedure; I see no difficulty.

21418-19. The general principle could be adopted that wherever there is incapacity the Court should be able to interfere ?—Exactly.

21420. It is not a matter for a jury to decide, it is a matter really for a skilled judicial opinion ?—I think so.

21421. Are you familiar with the French code, the so-called family council ?—I have read the account of it which has been given in evidence here.

21422. Are there special points in that which you think are of any value or that we may take a lesson from in this country ?—I think in Scotland we have all the advantages of the system. The feature of it is the family council, but the process in Scotland by which the relatives are either a party to the petition or are called in the procedure, practically results in a family council, because you get the views of the relatives expressed in court.

21423. This French procedure is extremely complicated, is it not ?—It appears to be, very.

21424. It is restricted in its application to certain classes of lunacy and it comes three times before the Court with a remit to the family council in the meanwhile; is not that so ?—Yes, there appear to be five different steps necessary between the Court and the family council.

21425. And in Scotland we have just one ?—Yes.

21426. So your opinion is that we have not very much to learn from the French code ?—No, I do not think it would fit in Scotland at all.

21427. (*Mr. Byrne.*) You say in your statement that "the alleged *incapax* is not entitled to demand a cognition and formal medical enquiry." Does that mean that they have no right to a trial of any sort ?—No; he has the right to be tried by the judge.

21428. Tried by the judge alone; he cannot call for a jury as in England ?—He cannot insist upon it.

21429. Can it be given to him at all ?—It might, in the discretion of the Court.

21430. So it may be a jury ?—Yes.

21431. Have you ever known one ?—No, I never knew it happen.

21432. Of course juries are rare in England. In the last paragraph you say: "It appears to be sufficiently elastic to cover all necessary cases. If habitual drunkards or even spendthrifts were certified to the Court as incapable of managing their own affairs, possibly the present law in Scotland might be sufficient to enable them to appoint a curator of their estates." Has it never been applied to spendthrifts ?—No, I think not; not merely spendthrifts.

21433. How is a man who is not insane to be adjudged incapable of managing his affairs if he is not a spendthrift ? What types of cases are there ? Can you, without mentioning names, give us a few instances of people, describing them not in medical terms but as a man of the world. Describe the behaviour of some people to whom this has been applied—not lunatics, of course ?—I am at the present time curator for a lady. She is not a person in a good position in life, but having an income of about £150 a year. The doctor tells me all that is the matter with her is that, if she is left to herself, she gets into miserly and dirty habits. If you see her where she is now—she is boarded with a respectable family and she is allowed comparative freedom—she talks quite sensibly; she does not look a person of high intelligence but she is perfectly sensible. At the same time the doctors say if she were left to herself, she would in a month fall into her old habits. That is one instance.

21434. That is an illustration. Could you give us some more ?—Yes, I knew of a man who had got into a depressed condition of mind chiefly in connection with his business affairs. His relatives with his approval, got a curator appointed upon his estate. I do not think there was much wrong with the man except that he had got very depressed and nervous, and, through that of course, practically incapable of managing his affairs.

21435. In that case he entirely assented ?—I believe he did. He, as a matter of fact, was sent to a private asylum. I should like to say that he went there of his own accord. But after he had been there for a time, whether he found the state of matters irksome or for some other reason (partly because, I think, of a conflict between law agents—he employed one law agent and his family another), ultimately he instructed his own personal law agent to raise proceedings in the Court to have the appointment recalled, and after inquiry it was recalled. Thereupon this man executed a voluntary assignation of his estate, putting himself voluntarily under a trustee.

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21436. Have you ever known cases in which men who have gone to reside with a doctor under the Scotch law for the term of six months or a year, and have had curators appointed? What becomes of their affairs generally?—If they themselves continued to look after their affairs, nothing would be done.

21437. I want to know how it works out in practice. It is an interesting item in Scotch law—that power of putting yourself under control for a short period. I want to know how it works out as regards a man's business and affairs?—He could do it voluntarily by signing a trust deed, and that is frequently done. By simply making an assignation to a trustee of his whole estate and giving him power to administer it—an assignation which of course he could recall—or he might apply to the Court under this Act.

21438. I have no doubt you have in Scotland, as in other countries, cases in which people inheriting considerable wealth when they are young, perhaps more frequently when they have not got corresponding social position to keep up, and the ties which it makes, show themselves grossly extravagant in the way of dissipating their property foolishly in drink, betting, women, and that sort of thing. Would Scotch opinion justify an application being made for their restraint?—I am afraid not.

21439. You do not recommend that?—No.

21440. Can you tell us any cases in which you have been consulted, or which you have heard of in which people have been anxious to deal with any such persons?—I cannot recall any case at the present time.

21441. Are such people simply given up, in Scotland, and to dissipate their estate?—They are talked to. I have myself talked to people in that position, but if they will not listen to you what can you do?

21442. You can do nothing more?—No.

21443. Some representatives of the English lawyers have suggested to us rather strongly that in the interests of the community, at any rate in the interests of the families of such persons, steps should be taken to give power to deal with them—to appoint committees of their person if necessary; certainly receivers of their estate, to try and save it. Would you recommend that?—No.

21444. Public opinion in Scotland would not recommend that?—I think not. I do not see how you can interfere with a man who has all his capacities, however foolishly he may act.

21445. That would apply to any sort of extravagance, to your mind, short of fatuousness?—Short of incapacity to manage his affairs.

21446. Is this matter discussed in Scotland much? I am asking in order to ascertain whether your opinion is a personal one, or whether you can tell us if it is the universal opinion of people who know, as you do?—I do not know that the spendthrift has been much discussed; the drunkard has been.

21447. At any rate there is no agitation in favour of it?—No.

21448. (*Mr. Dickinson.*) Do I understand the curator has power over the *corpus* of the estate?—Yes.

21449. How is the property itself protected as against a dishonest curator?—First of all, he must give sufficient security before he is appointed; he must give a guarantee sufficient to cover reasonably the whole value of the estate.

21450. A guarantee to the court?—Yes a bond of security is lodged on his behalf.

21451. Subject to that he can deal with the security and the property as he thinks right?—No; because his accounts are annually examined.

21452. Examined by an officer of the Court?—By an official of the Court. He must render accounts once every year within a month of the date of the closing of the accounts.

21453. And must show the continued existence of the property?—Yes; he must produce all receipts for money, documents representing the investments, and generally satisfy the accountant that everything is in order. Moreover, he is required by the rules of the Court to confine the investments of the estate to safe securities—certain recognised securities—securities, in fact, which are recognised by the Trust Acts.

21454. Is this procedure which you have described independent of the State, or is it under State control?—It is under the Act of 1849.

21455. Would you show me the Act? I want to see the wording of the section?—This is an Act purely dealing with administration.

21456. How do you get the comparison between it and Section 116 of our Act?—You do not. It is an assumed right of the Court already: this is merely an Act regulating the procedure.

21457. There is no statute which gives you power to place a person who is merely incapable of managing his affairs under the care of a curator?—No; it is a long standing usage of the Court. There is a statute by which, under the process of cognition, persons can be declared insane.

21458. They are defined?—That is defined in the Act of 1868.

21459. That is the one you have given us. Where is that definition?—The sixth paragraph of my statement.

21460. "Such person shall be deemed insane if he be furious or fatuous or labouring under such unsoundness of mind as to render him incapable of managing his affairs." So that Parliament—even in Scotland—has not extended the definition beyond that?—No.

21461. That is a more limited definition than the one in Section 116?—It may be so. As I have explained, this process is practically not used.

21462. Because of the other one—because of what we should call the Common Law?—The Court of Session from time immemorial has exercised this power of dealing with estates of persons who are incapable of managing them. That is not derived from statute.

21463. Have there been any decisions as to what is the proper construction of those words "Incapable of managing their estates"? I suppose that is the expression you have to use in bringing the petition before the Court?—Yes.

21464. You use those words "Incapable of managing his estate"?—Or of giving directions for its management.

21465. That is entirely at the discretion of the one judge as to whether he is incapable?—Yes; the petition must be supported by two medical certificates to that effect, certifying that he is incapable.

21466. It cannot be a medical question at all in the broad definition or construction of the word "incapable"?—It requires two medical certificates in any case.

21467. Do those medical certificates say anything about the mental condition, or do they merely certify that in their opinion he is incapable of managing his affairs?—They ought, as a matter of strict formality, to certify the cause of the incapacity as well, and how long it has endured.

21468. And they do that?—Yes.

21469. That cause, I presume, is generally mental?—Generally; nearly always.

21470. Can you give us any cases where it has not been mental?—Not in my personal experience. The Court have appointed under such cases. I have instanced several here—deaf and dumb people—paralysed people.

21471. (*Dr. Dunlop.*) One question with regard to who the curators should be in these cases? In Scotland it is nearly always a professional man?—Yes.

21472. And generally a chartered accountant?—Yes.

21473. Is it an advantage that the curator should be a professional man especially learned in the management of money matters?—Certainly, I think so.

21474. And that is a distinct improvement over having a friend or a relative appointed for the purpose?—Yes; of course, relatives may be appointed, and sometimes are in Scotland, but the rule is, where there is an estate of any extent, to appoint a professional man.

21475. What is the advantage of a professional man?—He is accustomed to managing such estates, and he is also free from family influence.

21476. Does it result in economy?—I think so. You will see from the figures I have given that the estates are managed very economically.

21477. It would probably be more expensive if it were left to a non-professional man, because he would require so much legal and other assistance ?—Yes; if the curator is a non-professional man, he generally employs someone else to do the work for him, and he has to be paid. The whole expense, as far as the factor is concerned, is under 5 per cent. of the income in Court of Session cases.

21478. (*Mr. Dickinson.*) I see that the title of the Act of 1849 is: "For the better protection of the property of pupils, absent persons, and persons under mental incapacity in Scotland" ?—Yes.

21479. That has been extended by the practice of the Court, you say, from mental incapacity to other incapacity ?—It was in practice extended further than that before the date of that Act and since the date of the Act as well.

21480. I see it says that, whereas an Act was passed on the 13th day of February, 1730, setting forth that "the court had often been applied to for appointing factors on the estates of pupils not having tutors, and of persons absent who had not sufficiently empowered persons to act for them or were under some incapacity for the time to manage their own estates." I take it it is under those words ?—Yes; the word "mental" is not used there.

21481. That is only in the preamble, is it not ?—Yes; because the Act is an Act to regulate a condition of matters which had existed prior to the Act.

21482. They define "curator" to mean "any person who after the passing of this Act should be served as curator to any insane person or idiot"; so they limit it there ?—Yes; and that Act has been extended to county courts.

21483. (*Mr. Greene.*) The Act you are referring to extending to county courts is 33 and 34 Victoria, called the Judicial Factors (Scotland) Act, 1880 ?—Yes.

21484. With powers to the sheriff to appoint judicial factors in small estates ?—Yes.

21485. Without any question of idiocy, or imbecility, or anything else ?—No; the conditions are the same in the county courts as in the Court of Session.

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21486. In cases where the yearly value does not exceed £100 ?—Yes; because it should not be necessary to go to Edinburgh, but the appointment could be made in a county court.

21487. There is another Act since, the Trusts (Scotland) Amendment Act, 1884 ?—Yes.

21488. That amends the law, does it not ?—Relating to the investments, yes.

21489. Then you have the Judicial Factors (Scotland) Act, 1889 ?—Yes.

21490. Do you refer to that in your evidence ?—No.

21491. That Act improves the machinery, does not it ?—Yes; chiefly relating to the auditing of the accounts.

21492. The power of using judicial factors is abundantly used in Scotland, is not it ?—Yes, very much.

21493. In private settlements and all ordinary cases of wills and trusts ?—Yes; in cases where the trust lapses from the death of trustees, or where trustees are disinclined to take up the management, a judicial factor will be appointed.

21494. By the Court?—Yes. There are, of course, many cases where the trustees themselves appoint a factor; in that case he would not be a judicial factor; simply a factor.

21495. Is he under the control of the court ?—No.

21496. Are you familiar with Section 116 of the English Lunacy Act ?—I have the terms of it.

21497. Have you got anything in Scotland equivalent to that—to the cases when the property of a person mentally incapable can be dealt with ?—The only thing we have is this Act which I refer to.

21498. (*Chairman.*) Is there anything you would like to add ?—Only this, that I have here the report of the accountant of the Court upon all the judicial factories, which I can leave if it is of any use.

## CHARLES MACPHERSON, ESQ., M.D., called; and Examined.

21499. (*Chairman.*) Would you be so good as to tell us how long you have been Deputy Commissioner in Lunacy ?—Ten years.

21500. You have been so kind as to give us a statement of your evidence; may we put it on our notes ?—Certainly.

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### STATEMENT OF THE EVIDENCE PROPOSED TO BE GIVEN BY CHARLES MACPHERSON, ESQ., M.D., DEPUTY COMMISSIONER IN LUNACY FOR SCOTLAND, EDINBURGH.

The evidence which I offer to the Commission is confined to that part of the work of the Lunacy Commission in Scotland devoted to the care of the insane in private dwellings. This has always formed a part of the system in use in Scotland since the passing of the Lunacy Act of 1857. At first it may be said to have been adopted as a matter of practical necessity, there not being a sufficient supply of asylum accommodation for all those who came under the Board's care as the result of the passing of the Act. The experience gained at this time of its value led to its becoming a recognised and valuable part of the general system. The amending Act of 1862 permitted of an extension of the means of care by authorising the Board to grant special licenses to suitable houses for the accommodation of not more than four patients, and this may be regarded as the starting point of the boarding-out system. Previously, although there were many cases living singly in private dwellings, these patients were then mostly provided for in their own homes.

No definite standard was set up for these licensed houses, as the standard of comfort varied so much in different parts of the country. All that the Board required was that the house accommodation should be adequate; that a comfortable bed should be provided for each patient; that proper attention should be paid to cleanliness; that the food for the patients should be of the same quantity and quality, and partaken of at the same time, and, as a rule, at the same table, as that supplied to the family, and, generally speaking, that the patients should be practically adopted as members of the family. Provision was made for supervision by (*a*) the parish medical officer visiting once every three months (*b*) the inspector of poor for the parish visiting at least twice a year; and a patient's book was provided in which entries were made by each of these officials regarding the condition of the patients and the house at each of these visits. These regulations were found to work well, and practically remain unchanged at the present time.

Central supervision has always been regarded as of the highest importance, and that duty is generally undertaken by the two Deputy Commissioners, sometimes by a Commissioner whose duty it is to visit every patient under the Board's sanction in private dwellings at least once a year and to report to the Board on each inidvidual case. All untoward circumstances such as accidents, escapes, etc., are at once reported to the Board by the inspector of poor, and are promptly enquired into and dealt with as circumstances may require.

The numbers thus provided for vary from year to year, but at 1st January, 1906, they numbered 2,752, the highest number yet reached, and formed 18·8 per cent. of the total number of insane chargeable to parishes in Scotland. Of this number, 975 were living with relatives, and 1,777 were boarded with strangers, either singly or in specially licensed houses for two, three or four.

| —— | Male. | Female. | Total. |
|---|---|---|---|
| With relatives - - - | 439 | 536 | 975 |
| With strangers, singly - | 301 | 324 | 625 |
| In S.L. Ho. for two - - | 271 | 363 | 634 |
| „ „ for three - | 100 | 224 | 324 |
| „ „ for four - | 43 | 151 | 194 |
| | 1,154 | 1,598 | 2,752 |

There are 513 specially licensed houses, 347 being licensed for two; 116 for three; and 50 for four.

Patients come on the boarded out register of the Board in three different ways (1) by intimation, (2) by removal

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direct from the district asylum, and (3) by certification after liberation on probation.

The first class includes those mostly of the imbecile or the senile dement class who have not been in institutions, but are now certified as of unsound mind though not requiring asylum care. The inspector of poor is bound to intimate all such cases to the Board, whose *sanction* must be got to the arrangements proposed for their care. The second class includes quiet chronic asylum patients whom the medical superintendent considers do not require any longer asylum care, although they cannot be certified as recovered. The third class includes a considerable number, about whom possibly there has been more doubt as to their fitness for family life, and who have been discharged to their homes or to the care of an unrelated guardian for a definite period which must not exceed one year. They still remain on the asylum books as well as on the poor roll during the probationary period, and can be returned to the asylum at any time during that period without any fresh certificates or sheriff's order At the end of the period of probation a medical certificate showing their suitability for private care is sent to the Board; they are then removed from the asylum register and placed on the register of boarded out patients. This system is taken advantage of largely in some of the more remote districts with doubtfully suitable patients, especially where the expense of recertification (if necessary) would be considerable. It is also found valuable in many cases as a form of after care, where the patient has practically recovered, as it enables the parochial authorities to keep the patient on the roll and grant pecuniary assistance until such time as he is able to secure employment and support himself.

The number coming on the register of boarded out insane in these various ways during the year ending 31st December, 1905, were—

| | | |
|---|---|---|
| 1. By intimation - - - - | 108 | |
| 2. By removal from asylum - - | 217 | |
| 3. After liberation on Probation - | | |
| Total | 325 | |

I.—Classification of Patients under Private Care.

At 1st January, 1906, about 53 per cent. of the total number in family care were cases of insanity commencing in adult life and 47 per cent. were cases, of congenital unsoundness or such as had developed during childhood. Probably if the early history of all were known there was a degree of imbecility in a considerable number of the first mentioned class, but not such as to influence their conduct to such an extent as to make certification necessary until some super-added form of insanity attracted attention. If these cases were taken into consideration the result would probably turn out to be that those at present boarded out are about one half acquired and one half cases of congenital insanity. Among the number are 167 who are now, or have at some period of their insanity, been epileptic. The first class is largely made up of secondary dements, some chronic maniacs, and a small number of melancholics. The second includes all grades of congenital or infantile defect, from complete idiocy up to the very slightest degree of imbecility. There are very few of the lowest type of idiots in private dwellings, except those who are living with their own families, but outside of this class there are imbeciles of all degrees. There seems to me to be a wider view taken in Scotland than elsewhere among medical men as to what constitutes certifiable imbecility among the poorer classes, and this is probably influenced to some extent at least by the fact that certification does not necessarily mean confinement in an institution. Generally speaking, I think I would be right in saying that in Scotland there is no difficulty in certifying any one who, while physically fit, is through intellectual defect or want of moral control unable to work and earn his or her own living. Consequently there are always on the register a certain number whose imbecility would not to a casual observer be apparent, but whose conduct when minutely inquired into leaves no doubt that they are properly considered persons of unsound mind.

II.—Most Suitable Homes and Guardians for Boarded-out Patients.

For men the most suitable of all homes is the smaller sized farms and some market gardens. The best of all is the farm so small that there is no work for a servant, but possibly just a little too much for the farmer. In such homes one or two patients are a great help and at the same time there is no temptation to overwork them. The patients are generally very kindly treated, living in family, treated as equals, and, as an encouragement to work, getting little luxuries such as tobacco, etc., from the guardian. In such typically good homes we often see marked mental improvement, and as much interest taken in the every day work by the patients as if the place belonged to themselves. Wherever these small farm homes can be got they are undoubtedly the best. Some patients are on larger farms, but there they are apt to be regarded as servants and very inferior servants, and although perhaps better fed, they do not improve and are sometimes discontented, because they do not associate on equal terms with sane people. As regards the household, it should be not large. Children are sometimes apt to be a cause of irritation to male patients.

For female patients probably the best home is to be found in the smaller country villages; villages which have been missed out in railway development and where there are no industries except such as are connected with agriculture. In such villages in Scotland, and with elderly couples or with a widow having a grown up daughter at home, very suitable homes for three or four female patients are found. The guardians have nothing to do but their household work and the cultivation of their gardens, and in that they are assisted by such of the patients as are able to work. The rest of their time is spent in sewing and knitting and, in suitable weather, in walks in the country, or exercise in the garden. For smaller numbers—one or two patients—very good homes are often found in the houses of younger married people with two or three children. Many of the female patients are excellent nurses, and the association with young children has often a very beneficial effect on their mental condition.

Large towns are in my experience, and I think in that of all who have had much to do with the care of the insane, utterly unsuitable as places of residence. Patients cannot be trusted out alone and consequently get insufficient exercise, whereas in the country they are known to the whole community and are thus under constant supervision even if not in the company of the guardian. This unsuitability of large towns has been recognised by inspectors of poor for a long time and at the present time in such large towns as Edinburgh, Glasgow, and Dundee, there is scarcely a patient resident except such as are with their natural guardians and cannot very well be removed from their care.

III.—To what proportion of the Certified Pauper Insane is this System of Care applicable.

At present the number boarded out in Scotland represents, as I have said, 18·8 per cent. of the total chargeable insane. The numbers vary in different counties very much, from 45 per cent. in Caithness, down to little over 2 per cent. in Peebles. But three counties thus provide for over 40 per cent., four for over 30 per cent., and seven for over 20 per cent. The urban and rural parish of Inverness has thus provided for about one half of its insane poor for the last twenty years, and Edinburgh has usually from 25 to 30 per cent. in private dwellings. From these facts and the experience gained in the course of our visitation the general conclusion to which my predecessors in office, my present colleague, and myself, have come is, that at least 30 per cent. of the Scottish pauper insane could be suitably provided for in this manner.

IV.—Difficulties in finding Suitable Homes.

In districts where the inhabitants have had no experience of association with the insane the difficulty is at first considerable. But when the initial difficulty is overcome and one or two well behaved and useful patients are introduced I am told by inspectors of poor that the difficulty is over, and they have generally a number of applications made to them by others in the neighbourhood for similar patients. Certainly in the district where aggregations have grown up there is no difficulty in getting more homes. The difficulty is rather the other way—to prevent the insane population from growing proportionately too large.

V.—Advantages of the System.

1. A more home-like life and consequently increased happiness to the patients.

2. A much smaller death-rate. The average death-rate for the last ten years in all classes of institutions for the pauper insane is 8 per cent., whereas the average death-rate in private dwellings, for the same period, is a little under 4 per cent. This comparison is somewhat mis'eading, as the asylum death-rate includes many acute cases. If we compare the death-rate of the boarded-out with that of the inmates of asylums who have been resident from three to seven years, it is still favourable to the boarded-out, the average death-rate in the asylum being 5·8.

3. Economy. The average expenditure per head in asylums according to the latest available returns is £27 11s. per head, whereas in private dwellings it is £18 0s. 3d., a saving of £9 10s. 9d. per head. This shows a saving of expenditure on maintenance of £26,247 4s. per annum on the number at present boarded out, independent of the enormous capital expenditure which would be necessary if they were all subjected to institutional treatment.

4. Advantage in many cases to the guardians and indirectly to the ratepayers by the assistance derived from their labour and the alimentary allowance. A considerable number of the guardians are thus prevented from becoming a burden on the rates.

5. The education of the public to a better knowledge, a lessened dread of, and a kindlier feeling towards, the insane.

### VI.—Objections which have been urged against The Boarding-out System.

1. The danger to the public. This is almost wholly imaginary. During the past forty-seven years, with an average of about 2,000 patients thus provided for, there have been only two serious attacks by patients, and in both cases on members of the guardian's own household.

2. Danger of injury to the patients themselves. I only know of one case of suicide (by drowning) and two fatal cases of accidental burning during the ten years that I have held my present appointment. There have been other injuries, such as fractures, etc., from accidental occurrences; but these have been fewer than would occur among a similar number of sane people of their own class.

3. The risk of their being a public nuisance by acts of indecency. I have not heard of a single case, and the fact already mentioned that where there are, at present, considerable numbers, the people of the district wish to get more, confirms the opinion that they are generally well behaved.

4. The risk to young female patients of pregnancy. This is a real risk to a certain extent. Every guardian who has a female patient of child-bearing age is always seriously warned of this danger, and of her great responsibility. During the last ten years there have been ten cases. In four the patients were living under the care of their parents; in one with an aunt; in two with sisters; and in the three others they were true boarded-out patients. At present there are 527 women of child-bearing age boarded in private dwellings, and it may be taken that during these ten years the average number was 500. This shows a very small proportion of these accidents, but still very regrettable. I doubt, however, whether they would have been fewer, even if they had all been in institutions.

### VII.—Conclusions.

In a considerable number of the cases which I visit, I have no doubt that a great amount of good might have resulted from early training, and in some of the cases from removal from degrading surroundings. I am often told when I enquire whether the patient has been to school that he had been tried at it and earned nothing; and that he was so teased and annoyed by his fellow pupils that he had to be withdrawn. A large number of them are not educable, but I believe many could be trained to a small amount of usefulness—to be smarter, tidier, and more obedient—if suitable classes, entirely separate from the other scholars, were provided for them. This is being tried with some success, I believe, in Glasgow and it would be an advantage if such classes were established in most of the towns of Scotland. The earlier the children are got, the better, and I believe the amount of imbecility developing in early life would be much reduced if they were properly fed.

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I entirely dissent from the idea expressed by several witnesses that all these weak-minded people should be consigned to institutions for life, or that by doing so a very decided decrease would take place in the production of defective families. It has to be kept in mind that it is only those who become a burden on the rates who can thus be got hold of. In Scotland practically all of this class who show mental defect are under the Board's supervision, either in asylums or boarded out, and, as I think I have shown, these latter, even assuming that a defective usually produces defective offspring, are so well cared for that the risk of this is reduced to a minimum. I am not sufficiently acquainted with rural England to be able to form an opinon as to whether a system similar to that in Scotland is practicable or not, but if so, it would, I think, offer a simple and economical plan of providing for a very considerable number of weak-minded people, who would thus be amply safe-guarded as far as the public interest is concerned.

The production of feeble-minded children is, in my limited experience, due more to a class whom I think it would be practically impossible to reach by any legislation which would be tolerated by the British public. As a case in point I give the case of six men, brothers, all imbeciles, who are chargeable to a Highland parish at present, and their history is as follows:—

Father, a shepherd, belonging to the North of Scotland, was described by the Visiting Commissioner in 1894 as "a fine, tall, handsome old man, a shepherd and very intelligent." His wife was a little, active, intelligent woman, and a native of one of the border counties. They had twelve children, viz:—

1. Female—Normal child. Married and had a family, of whom two or three were defective (imbecile and deaf and dumb).

2. Male—Pauper lunatic, tall, well made, but very imbecile, jerky in his movements and excitable.

3. Male—Normal, grew up, married, had a normal family, and died comparatively young of consumption.

4. Male—Sane and well. Is at present head game-keeper on a sporting estate.

5. Male—Pauper lunatic, tall, well made, articulates well but cannot read or write, well disposed and can do a little simple work.

6. Male—Sane and well. A gamekeeper.

7. Male—Pauper lunatic, good looking, but somewhat morose. Cannot read or write, but can do a little work.

8. Male—Pauper lunatic, less imbecile. Can spell out words, tell the time on the clock and do some remunerative work, but is incoherent in speech, and jerky in his movements.

9. Male—Died in childhood from croup.

10. Female—Sane and well.

11. Male—Pauper lunatic, a fine looking man and the most capable worker; but he could not be taught to read or write and is decidedly imbecile.

12. Male—Pauper lunatic, very defective and useless; could never be taught anything. He is jerky in manner and sometimes troublesome on account of his restlessness.

Both parents denied any knowledge of any history of insanity in the family. The father supported himself and his family in modest comfort by his labour until he reached old age. I never saw him, but I have been told that he was slightly eccentric; the sort of man whom his friends could chaff and tease when they met at the inn, or any other place of public resort. The mother of these imbeciles I have seen frequently. She died only a few months ago and was shrewd, active, and intelligent, to the last. No conceivable legislation could have prevented this calamity, and yet I believe, from my comparatively limited sphere of observation, that where the imbecility is apparently hereditary it is derived very often from parents who show such a very slight deviation from the normal that no one would ever dream of disputing their freedom of action.

21501. (*Mr. Dickinson.*) I see that you do not approve of boarding-out in towns?—The general experience of the officials of large towns has been against it in Scotland;

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they have given it up, and they board out in country districts as much as possible.

21502. They send patients away from the towns?—As many as they can possibly get away.

21503. Do you know the system at Gheel?—Yes.

21504. That is in the town?—Yes; but there is a large country district round about.

21505. But there they board them out in the town houses?—Yes; you meet them all over the place.

21506. Under your system of boarding out in Scotland the supervision of the patients is left to the ordinary local medical man, is it not?—Yes, he visits four times a year, and more often, of course, if he is required professionally; then we supervise it from the centre.

21507. How; do you visit the boarders?—We visit all these patients, some once, some twice, and some more frequently, as we think they require. In the larger aggregations we always visit them at least twice a year.

21508. Do you find that sufficient to protect them from neglect or ill-treatment?—I think so; there is the general supervision of the public as well, and any complaint of neglect or ill-treatment would always reach some authority.

21509. I suppose the local medical officer who is in charge of the inspection of them has a very large area to deal with?—In some cases, very large; in others, not very large. Generally speaking, the population is so small that he has a fairly practical knowledge of the character of almost all the guardians.

21510. I notice you do not approve of putting these feeble-minded folk into institutions; you think it is better to board them out?—I do not see any necessity for it.

21511. Is not there this to be said for the institutions: that those who are capable of work can be given the advantage of working better in an institution than in a detached cottage or home?—I do not think so, unless the institution has a very large area of land attached to it. In all these cottage homes they have either a farm attached or a large garden, and they get some work to do there.

21512. Do you find that they do use them, and they do give them occupation?—Yes, most of them.

21513. Or do they waste their time?—They must do a fair amount of work, not anything like a self-supporting amount of work, but they do a fair amount of work, attending to the cattle in the byres, doing some gardening work, breaking sticks for the house, and so on.

21514. What sort of regulations do you make about the treatment of them? May they have more than one in the house?—They may have four.

21515. How must they lodge them?—They must treat them exactly as they treat themselves—treat them as members of the family.

21516. That is to say they can put all the four in one room together?—Very seldom; generally not more than two. There are not many cases where there are four; we do not really approve of four as a rule, except in the case of women.

21517. How do you arrange about the sexes; you would not send a male and female person to the same house?—Certainly not.

21518. How do you protect them? Do you send the women patients to homes where there are men?—Where there are men living in the house?

21519. Yes?—Not as a rule, unless they are a married couple—a guardian and his wife.

21520. What do you pay them?—That varies very much; those who are boarded out from the large towns as a rule are paid for at the rate of 7s. a week and clothing, medical attendance, etc., are provided by the parish.

21521. The person who takes them in gets 7s. a week clear?—Yes.

21522. That is for food and lodging?—Yes.

21523. I suppose that pays them?—I think so. They are mostly working class people whose income would not probably be more than £1 a week altogether, and a man with a family has not got 7s. a week for each member of his family to live on. We only want them to be treated as the rest of the family. I think it probably leaves a profit of 2s. a week.

21524. Is there much application on the part of the householders for these patients?—That also varies very much. In districts where there have been no insane I think it is generally very difficult to get homes at first, but when once a settlement has been begun, and one or two good patients have been sent to a district then, I am told by the inspectors of poor, they have frequent application from neighbours of these people wanting patients, "the same as you sent to" so and so.

21525. Who sends the patients; are they sent from the asylums or simply from the Poor Law authority?—Probably rather more than half of them come direct from the asylums, because they are taken out by the Poor Law authority by means of the parish council. Probably Mr. Motion will be able to give you some information as to it.

21526. Half of them, you say, come from the asylums—half of them have been in asylums before?—Yes.

21527. Therefore they are sifted, so to speak; they are the suitable cases?—Yes; you could not get them out of the asylum in direct opposition to the opinion of the medical superintendent if he said they were not fit to go out.

21528. Who is it that puts it in motion; is it the Poor Law authorities?—The Poor Law authorities.

21529. I suppose the Poor Law authorities in paying the 7s. are paying less for that person than they would be if he were in an asylum?—Yes.

21530. What do they pay in an asylum in Scotland?—That varies also in different asylums, but, roughly speaking, about 10s. 6d. a week.

21531. Therefore, so far as economy goes, that would be a temptation to the guardians to board them out in preference to sending them to an asylum?—Yes, it is an economy.

21532. Do the guardians find the homes?—Yes. Practically it is the people who have been living in these villages all their lives that take patients. In many cases the cottages belong to themselves.

21533. Then the decision as to whether the home is suitable is left in the hands practically of the guardians?—No, the inspector of poor always sees the home before he applies.

21534. The inspector of poor being the local officer?—Yes; then after our visit if we did not consider the home suitable we would order their removal at once.

21535. When you say "our visit" what do you mean by "our?"—The Board of Lunacy.

21536. (*Dr. Donkin.*) All those who are boarded out are certified?—All certified.

21537. Would the majority of the congenital class, those who are congenitally deficient, be very markedly deficient?—I think I may say the large majority, certainly.

21538. Lower grade imbeciles?—Yes.

21539. Most of them would be unable to earn their living, even under the best supervision?—Quite, I think.

21540. And would be able to earn a very small part even then?—They are worth their food in a great many cases, simply by working under supervision. If they were working by themselves, they could not earn that.

21541. Is there, in your opinion, a class of imbeciles who are of less deep grade of imbecility than that, many of whom could, although it is not safe to leave them, earn a considerable part of their living under strict supervision?—I am afraid not very many.

21542. I mean in Scotland?—I do not think there are many; there are some.

21543. Not a large class who, if put into a farm colony or a large institution, could contribute towards their own maintenance more than merely the price of their food?—No, I think not. I question whether they could contribute even the price of their food.

21544. That would be the reason why you have said you do not much favour institutions; they could not in any way be made to pay, or even to contribute?—I do not think they could be made to pay, and for another reason, it is a greater deprivation of liberty than the present boarding-out system. It makes them feel more institutional life. In the country districts they feel they are free men to a large extent.

21545. You would not say that, in your opinion, there is a very considerable reason in Scotland for enlarging the power of detention?—I do not think so.

21546. (*Mr. Hobhouse.*) With regard to the number of people whom you give here as coming on your register of boarded-out insane, in the year ending 31st December, 1905, what percentage of insane is that, having regard to the total number of insane received in institutions, and so on. You give us the percentages for a body, but you do not give the percentages for a year?—Roughly speaking, 18 per cent. altogether of the chargeable insane outside, but I could not tell you the percentage that that 323 represents of the numbers becoming chargeable during the year.

21547. Would it be a constant percentage? Suppose it is 18 per cent. of the whole number, would it be anything like 18 per cent. for the year?—I could not give you that; I could send it to you afterwards.

21548. I will put it another way: is the number of boarded-out insane increasing?—The number is increasing but the percentage is not increasing. The increase of insanity is greater than the increase in the number that have been boarded-out so far. Going back a dozen years, we had over 20 per cent. boarded out.

21549. So that the practice of boarding-out is decreasing rather than increasing?—There are more patients boarded-out than there have ever been before, but there is not the same percentage in proportion to the total number of chargeable insane.

21550. Is that because the number of acute cases is becoming greater or is it because the system does not find as much favour as formerly?—I think it is probably because there is ample asylum accommodation, and the tendency is, when you have got an institution, to keep it as full as you can.

21551. Not because the system has broken down?—No.

21552. Simply because of the natural desire of the superintendent of the asylum to keep his place full?—Yes, he does not want an empty house.

21553. As far as you are concerned, which system do you prefer?—You cannot separate the systems; the boarding-out system is purely supplementary to the asylum system; you cannot do without asylums.

21554. But where you can you like to get them out of asylums?—Yes.

21555. You say the association with young children often has a very beneficial effect on their mental condition. Have you ever had complaints as to the effect on the children of the association with the insane?—No, I have never come across a single case of any damage done.

21556. Have most of your guardians children?—Some of those who have one or two women boarded out with them have children with them and they find them very useful as nurses.

21557. So, therefore, in addition to receiving a certain amount of pay for their maintenance they use them more or less as domestic servants?—Yes.

21558. They get a double advantage?—Some of them get a great advantage in that way—they save themselves the expense of a servant.

21559. That, no doubt, contributes to the popularity of the system?—I think so.

21560. With regard to economy, I see you say that there is a saving of £9 10s. a head on each of these persons boarded out?—Yes, that is taking the average of them all over. There is a great variety in the amounts paid. In some cases they do not get even perhaps 3s. a week; in other cases 7s. and 8s., but the average cost last year, I think, was 6s. 10d. or 6s. 11d. It amounts to a saving of £9 10s. 9d. on the accounts of last year.

21561. Is the food received and the clothing provided as good as that received and provided in the asylums?—I think so; patients coming out of asylums in poor condition very often improve after a little while. I do not mean to say they are better fed, but the other advantages seem to account for their improved physical condition. *Charles Macpherson, Esq., M.D.* 2 Mar. 1906.

21562. The mental advantage of being restrained causes them to fare worse in the asylum?—Yes.

21563. So that here is a real saving of expenditur without a corresponding suffering on the part of the insane?—Decidedly; there is not only the saving of that £9 10s. 9d. every year, but there is the saving of the expense of building as well.

21564. In your statement you say, "The earlier the children are got the better, and I believe the amount of imbecility developing in early life would be much reduced if they were properly fed?"—Yes, that is only an opinion. Of course, I cannot say that I have any very strong grounds for it, because I do not come in contact with them so much in their early life, but I think a great many cases of so-called congenital imbecility are really cases developed in early life from improper management of the children.

21565. It is not a case then, in these cases you recount, of congenital imbecility but of acquired imbecility?—Acquired imbecility in childhood.

21566. Consequent on malnutrition?—In very many cases consequent on malnutrition and improper feeding generally.

21567. Would it be possible in the country districts with which you are acquainted to provide any food for children improperly nourished?—It is not exactly that I mean. You very often find ignorant mothers giving their children improper food. It is not perhaps the scarcity of the food, but feeding the infant on stimulating foods and setting up irritation of the brain.

21568. You are not referring to children in school life, but children before they go to school?—I think that is the time that most damage is done, before they go to school, from the first to the fourth or fifth year.

21569. Has any attempt been made by the county councils in Scotland, as far as you are aware, to circulate information as to the feeding of children by their mothers?—Not that I am aware of.

21570. I dare say you are aware it has been done in certain English counties?—No doubt it has been done in some parishes, but I do not know of it of my own knowledge.

21571. Nor have you any means at your disposal to encourage the diffusion of such information?—No, I have not.

21572. (*Mr. Byrne.*) The percentages boarded-out vary from 45 per cent. in Caithness down to 2 per cent. in Peebles?—Yes.

21573. How is that?—Different local management, I suppose. In the case of Caithness there is a tendency, perhaps, to keep too many of them at home—people that should be sent away to asylums are not sent away.

21574. They have an asylum?—They have not got an asylum; they are simply boarders in the Montrose Asylum. It is a very long distance off, and very difficult of access, and they keep out some they should send in, I think.

21575. Is there any central authority to prescribe how much or how little boarding-out should be provided, or is it purely in the hands of the local authority?—They must get the consent of the General Board of Lunacy to the boarding-out of each case.

21576. Has the General Lunacy Board power to say to Caithness: "You require an asylum, you must build one"?—Yes, they have, but I think they consider at present that they have got as many asylums as are necessary in Scotland.

21577. I am speaking only as to the power. You can say to a county or a group of counties, "You require an asylum, and we call upon you to build one"?—Yes.

21578. Have you ever, as a central authority, had to call Peebles' attention to the proportion of boarding-out?

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Have you told Peebles they should board out more?—Yes, we do that often; I was at Aberdeen at a meeting recently, urging on them the necessity of doing more than they have been doing of late.

21579. Have you any express statutory powers to make them start a system?—No, there is an attempt to stimulate their own exertions.

21580. That is generally successful. You say somewhere in your memorandum that the system of boarding-out grew up more or less spontaneously, from the fact that there were not sufficient asylums?—That was the origin of it.

21581. May I take it that at an earlier period there was no such thing as the boarding-out of lunatics?—As the boarding-out of lunatics with strangers, yes; till within the last fifty years there was no such thing.

21582. It began gradually, I suppose?—It began on account of the absolute impossibility of finding accommodation in asylums.

21583. Had it to meet the opposition of the people generally?—No; we had very few complaints; occasionally there came a complaint from a district that the lunatics in the neighbourhood were a nuisance, but without giving any very distinct grounds for it.

21584. It has never been serious?—No; the system has always been popular with the bulk of the people.

21585. Could you extend it, in moderation, to any desired figure?—I think it could be extended considerably yet. I say in some part of my statement that we have rather a difficulty in keeping down the numbers in places where they have already formed colonies, because everybody wants to get patients there. We, on the other hand, do not want the insane population to form a very predominant part of the population; we do not want them to attract attention.

21586. We say in England that English people would not have this system; people would not like it. Was that the sort of thing that was said in Scotland?—Yes, and is said still in many districts where they have not many patients. I was told in Ayrshire by a very old inspector of the poor, who had been there all his life, that he found it impossible to get a home for a very harmless imbecile whose mother had died, and he could not provide for him in any other way, except by sending him to the asylum; but the very next year I found Mr. Motion, of Glasgow, had found a great many homes all round about that immediate neighbourhood. It depends on the exertion of the inspectors of the poor.

21587. You think that, possibly, if it were desired to introduce the system in England we need not be frightened of being told that people will not have it?—I think not. Of course, I do not know the rural districts of England well; I do not know whether there are many of the class of people that we have who take patients. I should fancy there are districts where there are a great many small holdings.

21588. The people who take them are mostly respectable?—Most respectable; small farmers.

21589. Respectable small people; sober?—Yes; we should very soon take them away, if we found anything else.

21590. Are there any in the fishing villages?—There are practically none in the fishing villages.

21591. They are generally in districts free from crime and drunkenness?—Yes, they are in quiet little villages principally.

21592. Among the people boarded out from asylums are there any of a social class above the poorest?—Of the non-pauper class, yes, there are a few; perhaps two or three hundred private patients.

21593. I suppose life on a small farm is as good for the rich imbecile as it is for the poor man?—I think so, if he is properly treated.

21594. You express the opinion that it is desirable to get a considerable number of these people out of asylums and get them treated in this way. Is there a very large number of people now in the Scotch asylums who might, you think, be sent out to this cheaper and equally good system?—I think there are still hundreds who might go out perfectly well.

21595. You do not give a return as to the number of acute cases in asylums requiring hospital treatment. Could you give us a rough opinion as to how many in your ordinary district asylums there are at any moment requiring nursing, constant observation, and other elements of hospital treatment?—Practically all the cases, when they go in first, are under hospital treatment.

21596. I meant at any given moment at any given asylum?—Do you mean bed treatment?

21597. I mean any treatment, whether nursing in bed, getting up, washing and dressing, constant observation of doctors, or any single element of hospital treatment you like; how many, roughly speaking, are there requiring such in any asylum at any given moment?—That varies very much, according to the attitude of the asylum superintendent. In one case I know of perhaps you might find about one-eighth of the population in bed under treatment, but that is a very exceptional case. I do not think you would generally find more than fifty or sixty.

21598. Would you say that at any given moment you would not expect to find 10 per cent. of the population in an ordinary asylum of what you might call acute or nursing cases?—I think not more.

21599. 90 per cent. of them are chronic cases?—Yes.

21600. Of those 90 per cent. certainly half could go out?—It is hard to say. Some of them have objectionable tendencies that are easily managed in an asylum, but could not be managed outside.

21601. In the interests of the community, you would not wish any person who was not quite suitable to be boarded out?—Certainly not.

21602. Can you give us a rough idea of the amount you could save in Scotland if it were carried out as far as it could be; it would be many scores of thousands a year, would it not?—We have always thought that about one-third of the entire insane chargeable might be outside.

21603. It is a very substantial sum?—It comes to about 5,000 that I think might be out.

21604. Instead of 2,700; it would amount to a very substantial saving in any country, would it not?—Yes.

21605. In England it would be enormous. Do you from your experience strongly recommend it to be tried in England?—From its success in Scotland I should very strongly recommend it.

21606. May we take it you recommend the Scotch system rather than the Gheel system?—I think so; I think they have too many acute cases in Gheel; you get all classes of insane people wandering about the streets in Gheel.

21607. And you suspect, do you, that there are unhappy incidents sometimes?—Yes, there must be a number.

21608. (*Mrs. Pinsent.*) Are you familiar with the special classes in Glasgow?—No; I am sorry to say I do not know anything about them.

21609. You do not know what kind of children are being educated in them?—No.

21610. I see you say that you think medical men in Scotland take a rather wider view as to what constitutes imbecility?—Yes, I think so, judging by what I have seen; I think we do.

21611. I wanted to ascertain whether they were educating in Glasgow cases, who, according to the opinion of the Scotch doctors, might be certified?—I think so; I think probably most of the cases that are in the special schools will ultimately be certified.

21612. Do you think they will be certified when they come to be examined from school?—I think very probably.

21613. Why are they not certified at the present time if they can be certified?—Because they are still of pupil age, and they are under the charge of their parents; the parents are still bound for their support.

21614. That is to say, you think they are receiving the necessary care and treatment at the present time?—I think so.

21615. When they leave school will they then be certified in the natural course of things?—If the parents

are not able to support them properly, no doubt they will.

21616. It really means cases only who will become paupers ?—Cases who will become chargeable. They are not certified because they are imbecile, but because they are imbecile and chargeable.

21617. Only those who become chargeable ?—Yes, or those who have private means of their own, and require to have a curator appointed to take charge of their property.

21618. I see we have it in the statement of the evidence which Dr. Carswell has submitted that about 1 per cent. of the school population of Glasgow are mentally defective ?—I should not have thought that it was so much.

21619. Does not that rather increase the number I have been talking about ? If that is so in Glasgow, it is probably the same in every large city, is it not ?—It may ; I should not have thought there were so many.

21620. Would not that lead you to take a wider view of the figures ? Will not there be more than you are anticipating who will be certifiable ?—A great many of the cases will never be certifiable simply because they will never become a burden on the rates ; they will be supported by their friends or their own private means.

21621. When the friends die they become dependable in some way or other ?—If they have a little property they will be certified then, probably, because they are put under a curator.

21622. Would you not say that if the special classes were carried out in Scotland to the same extent as in England, it would reveal a large number of mental defectives in Scotland ?—We are perfectly aware that there are many cases that we do not officially know about all through Scotland.

21623. (*Mr. Chadwyck-Healey*) : In that class of case there is no protection afforded ?—In what way ?

21624. The class that are not under observation, so to speak ?—The class in the schools ?

21625. The non-certified and the non-chargeable defectives ?—They are under no supervision except that of their own family.

21626. And no protection of any kind ?—No.

21627. And the public is not in any way protected from the consequence of their existence ?—No, they would not come under observation at all unless there were some complaint made about their conduct.

21628. You have no idea, I suppose, what proportion to the general population they may be ?—No, not the slightest.

21629. (*Mr. Burden.*) There would not be a great number who outlive their parents, I suppose ?—Of course, we know that a great many of the lower grade imbeciles die young, but a great many of them will outlive their parents undoubtedly.

21630. What would you say is the average life ?—I do not know ; it is not high ; at the same time you do come across very old imbeciles.

21631. Would it be less than half the normal ?—Not more, I think ; but that is merely an opinion, I cannot say a considered one. *Charles Macpherson, Esq., M.D.*

21632. (*Dr. Dunlop.*) In answering a question of Dr. Donkin, you referred to the boarded-out pauper lunatics being under double certificate ?—No, I did not say that ; I said they were legally certified. 2 Mar. 1906.

21633. Being legally certified ; but, as a matter of fact, are they ? Some of them are not under the statutory certificates at all, are they ? Is it not a special form ?—They are not under the sanction of the sheriff ; they are under the sanction of the Board of Lunacy.

21634. Under the sanction of the Board of Lunacy on a special form ?—By medical certificate, but not by magistrates' order.

21635. And the medical certificate differs from the ordinary statutory certificate of lunacy ?—Yes.

21636. Technically, some of them are not certified lunatics ?—I would not say that ; they are certified lunatics and kept there by the sanction of the Board of Lunacy.

21637. They are kept there with the Board's sanction, but they are not certified on the statutory form of the 1857 Lunacy Act ?—No.

21638. (*Dr. Donkin.*) What I meant was, were they officially recognised lunatics ? I understood you said "Yes" ?—Yes.

21639. (*Dr. Dunlop.*) Could you give us a definite opinion about the relative merits of boarding out with selected guardians and with relatives ?—I hold a very strong opinion that they invariably do better with strangers than with relatives.

21640. That is the result of a long and wide experience ?—Yes.

21641. I notice that the number of accidents when strangers are guardians is very much smaller than the number when relatives are guardians ?—That is natural. I think they have a stronger view of their responsibility, and they have not the same amount of trust in the character of the patient that the natural guardians very often have.

21642. I notice that it is your opinion that small farms are the most suitable of all places for men ?—I think so ; they get their superfluous energy used up there.

21643. About the matter of inspection. Is it a *sine qua non* that there must be a very full and ample inspection of these boarded-out cases ?—We have always found the advantage of it, I think. In fact, in many cases, we would be very glad to inspect them more if we were able to do it ; but I think it is a generally held opinion that the inspection of the Central Board is very valuable in keeping people up to the mark.

21644. The double inspection by the Central Board as well as by the local authority is most desirable ?—I think so, decidedly.

## JAMES RUSSELL MOTION, Esq., called ; and Examined.

21645. (*Chairman.*) You have been so good as to give us a statement of your evidence ; may we put it on our notes ?—Yes. *James Russell Motion, Esq.* 2 Mar 1906.

STATEMENT OF THE EVIDENCE PROPOSED TO BE GIVEN BY JAMES RUSSELL MOTION, ESQ., INSPECTOR OF POOR, ETC., TO THE PARISH OF GLASGOW, CLERK AND TREASURER TO THE LUNACY DISTRICT BOARD.

I have been Inspector of Poor and Clerk to the Parish Council of Glasgow, and Clerk and Treasurer to the Glasgow Lunacy District Board, since 28th December, 1898, when the former City and Barony Parishes of Glasgow were united. Previous to that I was Acting Inspector and Clerk to the Barony Parish from 1885, and before that Collector of Rates to the same parish from 1878.

The inspector of poor is the administrative officer of the parish council ; while the parish council is the only local authority responsible for mentally defective persons, whether children or adults, and whether the defect is congenital or acquired. The inspector is responsible for finding accommodation for all such cases, and this may be done in either of four ways. (1) by committal to the lunatic asylum ; (2) to lunatic wards of poorhouses ; (3) by boarding-out in private dwellings in the country, and (4) in imbecile institutions. In Scotland, the parish takes up and deals with all persons requiring relief either from poverty, destitution, illness, or insanity ; under which latter head we include imbeciles, idiots, and feeble-minded persons, where their parents or guardians are unable to continue to take care of them, or provide for them in a proper manner.

While certified lunatics cannot be admitted to ordinary poorhouses the Parish of Glasgow is peculiar in having had for several years, at Barnhill Poorhouse, observation wards to which doubtful cases of insanity and cases of *delirium tremens* could be sent for a limited period. This

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experiment was so satisfactory that, on the erection of our eastern district hospital, a separate block to accommodate fifty patients was provided entirely for mental cases of a similar description. These wards, opened in June, 1904, have been of the greatest service in preventing cases being sent to the asylums.

The parish medical officers, including our certifying physician in lunacy, determine whether each applicant is lunatic or not, and, according to their certificates, each case is afterwards classified for our different institutions if indoor relief is required. Every case of lunacy taken over by the parish council pauperises the sufferer except in the case of a dependant wife or child.

The Glasgow parish had a census population in 1901 of 571,569, and an area of 15,458 acres of which 7,918 is in the city or muncipal area, and 7,540 in the landward or county area. The parish is wholly situated on the north side of the River Clyde.

At 15th May, 1905, there were chargeable on the outdoor rolls of the parish 3,698 persons with 5,040 dependants, such being wives and their children under fourteen years of age; 2,011 children boarded-out in families throughout Scotland, and 385 chronic harmless insane patients boarded out in families. Further, we had chargeable in institutions, 3,819 persons with 211 children in our poorhouse and hospitals, and 1,712 insane patients in Woodilee and Gartlock asylums, and in other institutions, a total pauperism of 11,625 with 5,251 dependants, a grand total of 16,876 or equal to 27·68 per 1,000 of the estimated population (of 609,626). Of this total, 8,738 paupers and dependants were outdoor poor, and 5,742 were indoor, or resident either in the poorhouse, hospitals, or asylums of the parish. In addition to all this we have 327 persons with 577 dependants chargeable to other parishes, paid by us and resident in the parish. Of course this is the lightest time in the year (May). The winter period is much heavier.

The cost of maintenance of our poor for 1904–1905 was £182,724, of which £49,232 is for outdoor maintenance; £25,408 for boarded-out children; £47,337 for indoor maintenance, and £60,736 for insane poor; management, £37,163; medical relief, £15,523; law charges, £726; interest, £932; repairs on buildings, £2,381; election expenses, £924; vaccination, £31; collection of school rates, £763; out of a total disbursement of £285,186.

We have a growing class called "Ins and Outs," that is, men and women who go out and in the poorhouse many times within a year. The latest figures for these are those for the year ended 15th May last. We had 3,520 re-admissions to our poorhouse during that period, up to as many as nineteen times. Six hundred and twelve persons were over two and up to nineteen times as under:—

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| For | the | Second | Time. | 205 | Males | and | 82 | Females |
| ,, | ,, | Third | ,, | 99 | ,, | ,, | 31 | ,, |
| ,, | ,, | Fourth | ,, | 51 | ,, | ,, | 19 | ,, |
| ,, | ,, | Fifth | ,, | 29 | ,, | ,, | 8 | ,, |
| ,, | ,, | Sixth | ,, | 17 | ,, | ,, | 6 | ,, |
| ,, | ,, | Seventh | ,, | 17 | ,, | ,, | 10 | ,, |
| ,, | ,, | Eighth | ,, | 11 | ,, | ,, | 3 | ,, |
| ,, | ,, | Ninth | ,, | 6 | ,, | ,, | 0 | ,, |
| ,, | ,, | Tenth | ,, | 4 | ,, | ,, | 1 | ,, |
| ,, | ,, | Eleventh | ,, | 3 | ,, | ,, | 1 | ,, |
| ,, | ,, | Twelfth | ,, | 1 | ,, | ,, | 0 | ,, |
| ,, | ,, | Thirteenth | ,, | 0 | ,, | ,, | 2 | ,, |
| ,, | ,, | Fourteenth | ,, | 2 | ,, | ,, | 1 | ,, |
| ,, | ,, | Fifteenth | ,, | 1 | ,, | ,, | 0 | ,, |
| ,, | ,, | Seventeenth | ,, | 1 | ,, | ,, | 0 | ,, |
| ,, | ,, | Eighteenth | ,, | 0 | ,, | ,, | 0 | ,, |
| ,, | ,, | Nineteenth | ,, | 1 | ,, | ,, | 0 | ,, |
| | | | | 448 | | | 164 | |

Out of these 612, 93 men and 32 women contributed 903 re-admissions to the poorhouse. They had been out and in from five to nineteen times. Their ages are as under:—

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| 2 | Males | under | 20 | years | 2 | Females | under | 20 years. |
| 4 | ,, | ,, | 30 | ,, | 2 | ,, | ,, | 30 ,, |
| 27 | ,, | ,, | 40 | ,, | 4 | ,, | ,, | 40 ,, |
| 30 | ,, | ,, | 50 | ,, | 10 | ,, | ,, | 50 ,, |
| 18 | ,, | ,, | 60 | ,, | 10 | ,, | ,, | 60 ,, |
| 12 | ,, | over | 60 | ,, | 6 | ,, | over | 60 ,, |

Although these ins and outs are not directly certifiable as feeble-minded, I am of opinion, from their degraded habits and conduct, that their condition of mind renders them unamenable to ordinary principles of right and wrong, and that such classes should be compulsorily detained in poorhouses or labour colonies. The following may be regarded as typical cases of the nature referred to that have reached the teens; with information as to their ailment and where they came from, viz:—

Record 4–53–106. J, M., 69, painter, nineteen re-applications of which twelve were from 5, Paul Street, where wife and family resided; and seven from Glasgow Cross "Houseless." Certified seven times lumbago; catarrh four; rheumatic pains, two; able-bodied, six. Applied first in 1879, and since then has made two hundred and two re-applications, and wife twenty-four. He has been a few times in asylum and prison.

Record B5–103. B. K., 59, winder; seventeen re-applications; two from Salvation Army Home, three from Night Asylum; two from Moncur Street Home and ten times "Houseless." Certified rheumatism eight, prolapse of womb, four; dyspepsia, two; stomach trouble, three. Applied first in August, 1886, and since then has made ninety-three re-applications.

Record B7–2415, J. S., 36, labourer, single; fifteen re-applications; seven from Glasgow Green and George Square, "Houseless," and eight times from Night Asylum. Certified stricture, four; bronchitis, three; cystitis, one; debility, one; dyspepsia, one; and able-bodied, five. Applied first in March, 1890, and has made over forty re-applications since.

Record 3–70–239. W. M., 45, labourer, single, fourteen re-applications; from Drygate Model, four; Night Asylum, four; Portugal Street, one; McAlpine Street Model, one; and four times "Houseless." Certified catarrh, four; rheumatics, three; diarrhœa, two; and able-bodied, five; applied first in October, 1884, and has made one hundred and thirty-five re-applications up till 15th May, 1905.

Record B2–40. M. B., 66, weaver, single, fourteen re-applications; seven from Salvation Army Home; three from Muse Lane, and four from Moncur Street Home. Certified bronchitis, eight; debility, four; rheumatism, two; applied first in June, 1885, and since then she has made over two hundred re-applications.

Record 6-49-209. J. T,, 69, carter, single, fourteen re-applications, five times from James Watt Street Home; twice from Coatbridge, twice from Clydebank; once from Police Office, and four times "Houseless." Certified lumbago, five; diarrhœa, three; lameness, one; and able-bodied five. Applied first in April, 1874, and has made one hundred and forty-nine re-applications since.

Record B4–318. J. M., 45, weaver, single, thirteen re-applications; twice from Salvation Army Home, once each from Cumbernauld, Campsie, Kirkintilloch, and Kilmarnock; twice from Duke Street Prison, and five times "Houseless." Certified alcoholism, four; debility, four; footsore, two; bronchitis, three; applied first in September, 1885, and up till 15th May, 1905, she has been considerably over two hundred times chargeable in poorhouse and has been over eighty times in prison for drunkenness and immorality. She has also been in the asylum.

Record 6-39-98. M. W., 55, cleaner, single, thirteen re-applications; three times from George Street "Houseless" three times from Night Asylum; once from Shuttle Lane; once from Balmano Street; and five times from College Street. Certified rheumatism,

four; debility, three; stricture, two; and aneurism, four. Applied first in 1869, and till 15th May, 1905, has made one hundred and thirty-one re-applications.

It was to meet these and other cases that the "Detention of Poor Persons (Scotland) Bill," was drafted and introduced to Parliament, but it made no progress through the congestion of other business. The gist of the proposal was that where a person had been more than three times chargeable within six months that person should be committed to the poorhouse for three months with the sanction of the Local Government Board. These people suffer very frequently from diseases brought about by their disgraceful, drunken, and immoral conduct. My view is that such people who come upon the rates by preventable diseases due to their own misconduct should in some manner be punished for so doing. Further, I am strongly of opinion that men and women suffering from loathsome diseases should be locked up. They are a danger to the community. The women at present confined in the Lock Hospital should not be allowed to leave till absolutely cured. On several occasions they leave for a short period and return worse than ever. Not long ago there were three girls in that institution, two aged thirteen years and one aged fifteen years. I am clearly of opinion that if parish councils had powers of detention in the poorhouse it would diminish these repeated applications, and, what is of more importance, diminish also begging, prostitution, and vagrancy, and thereby create more room in the prisons for those who are convicted of crime, and clear the streets of a most undesirable class. Their confinement would prevent the risk of breeding the class of feeble-minded and imbecile children we have already to deal with. I append (No. 1) statement of 6,767 persons who applied to the parish for relief for the first time during the year ended 15th May, 1905, with the causation of pauperism.

The present provision for the care of imbecile children of an educable character is hardly sufficient, I think, and I would have, under the authority of the Local Government Board, combinations of parishes for the erection, equipment and maintenance of training schools for the care of the defectives and imbeciles suitable for such an institution. At the present time we pay pretty large sums per head for the care of our cases in Baldowan and Larbert Institutions, and I am quite sure that while these are admirable in every respect, we could secure just as good results at a much lower cost.

We have eight cases in the blind asylum, one boy and seven girls, for whom we pay £157 per annum, or roughly, at the rate of £20 per annum each, but the bulk of those afflicted people are sent there at the expense of the School Board under the Blind and Deaf Mute Act of 1890. These cases of ours are over sixteen years of age. The same applies to the deaf and dumb institution. We have there now three boys and two girls at a cost of £60 per annum, or £12 per annum each, but these are also chargeable to the School Board under the Act of 1890.

Among the insane people chargeable in lunatic asylums we have 184 epileptic insane, while in the ordinary Poor Law indoor institutions we have eighty-two epileptics who are not insane. These are chiefly provided for in a separate pavilion at our Stobhill hospital and infirmary, the men at one end and the women at the other, separated by an open verandah. Within the last few weeks the authorities there had to transfer the males to another part of the institution owing to their misbehaviour. Sane epileptics, for whom application is made for the first time, are sent to the poorhouse in the first place to be tested and diagnosed. They are in due course transferred to the other institutions.

I do not know whether the Commission would like to know about our aged feeble-minded. A number are provided for as aged infirms in our poorhouses and hospitals. We have a number, too, in such places as the Home for Roman Catholic Poor under the care of the "Sisters of Charity," where we pay 10s. to 12s. per month for them. We also have fifteen men and fourteen women in the old men's and women's Homes at an average rate of 12s. per month; these latter, however, are supplemented by contributions from relations, old friends and late neighbours. But a number of these in time become somewhat unmanageable, and up till now have had, in many cases, to be certified insane and removed to our asylums; but we now propose to obtain the authority of the Local Government Board and the General Board of Commissioners in Lunacy to set aside certain accommodation in our poorhouse with adequate nursing, etc., which will be licensed by the General Board as wards for the care of such persons, and thus save the cost of keeping them in highly expensive lunatic asylums.

*James Russell Motion, Esq.*
2 Mar. 1906.

At the date of the last Return of the Local Government Board, 1st January, 1904, it appears that there was vacant accommodation in sixty poorhouses throughout the country of 3,339 beds or billets, a number of which could be easily utilised for this class of poor as well as for mild cases of insanity where removal to an asylum is not required.

The provisions of the Lunacy Act of Scotland are sufficiently elastic to allow for any detention required in these cases, but not so, however, in connection with "Ins and Outs" who are habitual drunkards. The latter, I apprehend, will be met by a proposed Amendment to the Inebriates (Scotland) Act, for which a Bill is now being promoted by the Corporation of Glasgow. The "Ins and Outs" referred to are those who, while drunk practically every week, are never and have never been in a police court. They are a feeble-minded and most degraded part of the population.

There should be no overlapping of authority in connection with the care and treatment of all classes of persons within the verge of pauperism. The parish council should enclose within its net the insane, the defective, the vagrant, the tramp, and every one who is disabled by poverty, destitution, mental defect, or otherwise.

I believe labour colonies, or whatever else they may be called, of quite a simple character, would be of some use in stopping the flow of certain cases to the asylums, such as epileptics and other defectives. They would certainly be an advantage if properly worked and not converted into institutions almost as expensive in their equipment and maintenance as existing lunatic asylums.

Considerable objection has been made from time to time against the transfer of insane prisoners to our lunatic asylums where respectable ratepayers of the parish are likewise confined, and I have no doubt that the presence of prisoners has a very bad effect upon these respectable people. Of course, a great deal depends upon the controlling management of the medical superintendent, but I would not like any friend of mine who is insane to be sent to a district asylum where the prison authorities have the right to send insane prisoners. I think the Government ought to make provision for them, or that the Prison Commissioners ought to keep their own insane.

There are besides a number of petty offenders whom we have to take off the hands of the Prison Commissioners who really do not require care and treatment in an asylum. These and others, the waifs and strays of society, the in and outs, etc., etc., should be provided for by the Poor Law authorities in colonies of some kind or other; indeed, probably two or three classifications would be necessary, so as to give some elasticity of management and plenty of employment partly remunerative or otherwise. Indeed, I would have a large tract of land attached to every town poor-house where the classes before referred to could be passed to and fro for labour, fresh air, moral improvement, etc.; it would pay in the long run.

I append (No. 2) the number of applications on behalf of persons supposed to be insane for the years ended 15th May, 1903, 1904, 1905, and how they were disposed of; also list of cases under twenty years of age for the same period (No. 3); with the number under same age "Refused" or "Withdrawn" (No. 4).

In connection with our imbecile home at Woodilee Asylum, I likewise append (No. 5) list of cases which have been admitted thereto since the opening in October, 1900, together with a similar list (No. 6) of imbeciles chargeable to the parish in Larbert and Baldowan (No. 7) Institutions at 1st January, and the number of insane boarded in private dwellings (No. 8) during the past three years; with an abstract of the expenditure on behalf of the insane for the same period (No. 9).

*2nd March*, 1905.

**Question 21645.**



*James Russell Motion, Esq.*

2 Mar. 1906.

## APPENDIX No. 1.

STATEMENT OF 6,767 PERSONS WHO APPLIED TO THE PARISH FOR RELIEF FOR THE FIRST TIME DURING THE YEAR ENDED 15TH MAY, 1905.

| Nativity. | Total. | Percentage. |
|---|---|---|
| Scotch | 4,823 | 71·27 |
| English | 333 | 4·92 |
| Irish | 1,518 | 22·43 |
| Foreign | 93 | 1·38 |
| Total | 6,767 | 100·00 |

| Causation*. | Total Male & Female. | Percentage. |
|---|---|---|
| Accident | 138 | 2·03 |
| Criminality | 135 | 1·99 |
| Desertion | 640 | 9·45 |
| Drink | 707 | 10·44 |
| (Drink: Men, 638; Women, 69). | | |
| Illegitimacy | 70 | 1·03 |
| Illness | 2,017 | 28·81 |
| Immorality | 342 | 5·06 |
| Improvidence | 1,129 | 16·69 |
| Indolence | ·96 | 1·42 |
| Insanity | 464 | 6·86 |
| Old age (with families able to support) | 336 | 4·97 |
| Old age (without families able to support) | 279 | 4·13 |
| Widowhood | 376 | 5·55 |
| Orphans | 38 | 0·57 |
| | 6,767 | 100·00 |

Males, 4,298; Females, 2,441; Orphan children, 38. Total, 6,767.

* This causation is ascertained from personal enquiry of the individuals themselves by the various Assistant Inspectors.

## APPENDIX No. 2.

NUMBER OF APPLICATIONS ON BEHALF OF PERSONS SUPPOSED TO BE INSANE FOR THREE YEARS, ENDING 15TH MAY.

| | 1903. | 1904. | 1905. |
|---|---|---|---|
| | 840 | 886 | 1,027 |
| Removed to Asylum direct | 488 | 498 | 427 |
| „ „ Observation Wards | 230 | 256 | 502 |
| Subsequently from Observation Wards to Asylums | 36 | 24 | 134 |
| Died in Observation Wards | 8 | 13 | 30 |
| Removal to Institutions for Imbeciles | 22 | 13 | 9 |
| Boarded out direct | 3 | 9 | 13 |
| Number not removed anywhere | 97 | 110 | 76 |

Of the latter numbers not removed anywhere the cases were uncertifiable, treated at home, application withdrawn or taken up direct by other parishes.

NUMBER AND AGES OF CASES WHO BECAME INSANE FOR THE FIRST TIME DURING YEARS.

| | 1903. | 1904. | 1905. |
|---|---|---|---|
| Under 15 | 21 | 25 | 15 |
| „ 30 | 84 | 115 | 126 |
| „ 45 | 126 | 131 | 118 |
| „ 60 | 84 | 71 | 82 |
| Over 60 | 72 | 38 | 81 |
| | 387 | 380 | 422 |

## APPENDIX No. 8.

NUMBER OF CASES BOARDED-OUT AT 15TH MAY.

| | 1903. | | | 1904. | | | 1905. | | |
|---|---|---|---|---|---|---|---|---|---|
| | M. | F. | Total. | M. | F. | Total. | M. | F. | Total. |
| In Institutions for Imbeciles - - - | 58 | 28 | 86 | 56 | 31 | 87 | 53 | 30 | 83 |
| Boarded with friends - - - - - | 7 | 15 | 22 | 8 | 18 | 26 | 10 | 16 | 26 |
| „ „ strangers - - - - | 116 | 218 | 334 | 113 | 228 | 341 | 127 | 232 | 359 |
| | 181 | 261 | 442 | 177 | 277 | 454 | 190 | 278 | 468 |
| Boarded out during year - - - - | 14 | 26 | 40 | 14 | 42 | 56 | 23 | 22 | 45 |
| Number died in private houses - - - | | | 7 | | | 11 | | | 7 |
| „ „ Institutions (Imbeciles) - | | | 6 | | | 3 | | | 3 |
| „ discharged recovered - - - | | | 7 | | | 8 | | | 1 |
| „ returned to Asylums - - - | | | 26 | | | 22 | | | 21 |
| „ discharged by escape - - - | | | 1 | | | 2 | | | — |
| „ discharged to c/o friends - - | | | — | | | 2 | | | 1 |
| „ struck off Roll by Committee - - | | | 1 | | | 1 | | | — |
| „ removed to Ireland - - - | | | 1 | | | — | | | — |

## APPENDIX No. 9.

ABSTRACT OF EXPENDITURE ON BEHALF OF INSANE.

| | Year ending 15th May, 1905. | | Year ending 15th May, 1904. | | Year ending 15th May, 1903. | |
|---|---|---|---|---|---|---|
| | Days chargeable | Cost. | Days chargeable | Cost. | Days chargeable | Cost. |
| | | £ s. d. | | £ s. d. | | £ s. d. |
| In Royal Asylums - - - | 290 | 26 12 7 | 422 | 33 7 6 | 726 | 81 15 3 |
| „ District „ - - - | 580,722 | 49,754 7 6 | 552,983 | 39,540 15 0 | 545,925 | 37,072 18 4 |
| „ Parochial „ - - - | 147 | 11 12 2 | 94 | 8 7 11 | 157 | 14 0 4 |
| „ Training Schools for Imbeciles | 29,637 | 2,183 19 11 | 32,010 | 2,316 13 9 | 28,316 | 2,093 9 7 |
| „ Private Dwellings with Relatives - - - - - | 9,446 | 367 7 5 | 8,484 | 343 9 2 | 7,504 | 296 7 8 |
| „ Private Dwellings with Strangers - - - - | 129,361 | 7,806 15 3 | 122,524 | 7,647 19 5 | 123,579 | 7,764 11 4 |
| Certificates of lunacy, trial, etc., of dangerous lunatics, transport of patients, etc. - - | — | 1,351 12 5 | — | 1,012 19 8 | — | 925 16 8 |
| | 749,603 | 61,502 7 3 | 716,517 | 50,903 12 5 | 706,207 | 48,248 19 2 |
| If boarded-out lunatics had been in District Asylums they would have cost this amount more over and above that set forth for Private Dwellings with Relatives and Strangers - - | — | 3,718 6 2 | — | 1,376 0 11 | — | 840 9 5 |

21646. (*Mr. Hobhouse.*) You say in your statement that you are going to put up a block to accommodate fifty patients—entirely for persons who are suffering from mental disease?—That block is up. It has been in operation for two years.

21647. Can you tell me the cost of that block?—Not at this moment, but I can secure it for you.

21648. Roughly speaking, could you tell me?—I could not. The block was a part of the Eastern District Hospital.

21649. I take it you put it up because you thought you could do it cheaper than a smaller block to be put up under the lunacy laws?—That is so.

21650. Was that experiment successful?—It was and is.

21651. And there has been a considerable saving?—A very great saving.

21652. The accommodation, in your judgment, is quite as good for all practical purposes as in a lunatic asylum?—That is so.

21653. Do you, as a local authority, in Scotland, feel that the lunacy authorities in Scotland press you unduly in the matter of accommodation for people suffering from mental disease?—No, the General Board of Lunacy has not for many years been pressing us about accommodation.

21654. Shall I put it in another way; is the accommodation which they require for lunatics in your opinion excessive?—No, I think not.

21655. Therefore, the reason why you are able to put up cheaper and yet adequate accommodation is that the cases are less acute, and, therefore, less troublesome to deal with than those in the lunatic asylum?—No; this building was erected for the purpose of preventing cases being sent to an asylum—for incipient cases and observation cases.

21656. People who are not mad but are likely to become mad?—People for whom application has been made for removal to an asylum, but whom our doctors advise should be treated there. Dr. Carswell will be able to enter more into detail about that part of it.

*James Russell Motion, Esq.*

2 Mar. 1906.

21657. Still the erection of this ward has thrown considerable expense upon you ?—Had we not erected that building we would have been compelled to erect more buildings at our other two asylums.

21658. And the expense of that would have fallen on the parish of Glasgow ?—On the citizens of Glasgow.

21659. Has any patient detained in this building since June, 1904, been subsequently passed to the asylum ?—Yes.

21660. A great number of them ?—Comparatively few, considering the number treated.

21661. So that really you have been able to detain in your workhouse patients who are partially insane ?—Quite so.

21662. But not violently insane ?—Quite so, and for a limited period.

21663. And this power is not generally available all over Scotland but is confined rather to the parish of Glasgow ?—It has extended to Govan, a neighbouring parish on the other side of the Clyde, and a Departmental Committee of the Local Government Board thought so much of it that they recommended its extension to provincial poorhouses.

21664. Has that been done ?—It is in process of being carried out generally all over Scotland.

21665. So far as you know there has been considerable financial relief to the ratepayers in consequence ?—*Qua* lunacy.

21666. With regard to your statement where you say you have already created training schools for defective and imbecile children—— ?—We have one atached to the Woodilee Asylum; it is not so much a training school as a Home for imbecile and idiot children of an uneducable character.

21667. And that has been successful ?—Yes.

21668. It is on the same lines, I take it, as the schools in England ?—No.

21669. In what way does it differ ?—It is simply a small asylum adapted for these children and within the grounds of the asylum.

21670. Is it a residential Home ?—Yes.

21671. What is the number of children in this residential Home ?—Thirty-two.

21672. What has been the cost of that ?—Roughly speaking, £11,000.

21673. That £11,000 includes every sort of charge ?—Every sort of charge.

21674. Including sinking fund ?—No, that includes the building, furnishing, and general equipment.

21675. And the administration block ?—There is no separate administration block; there is simply a kitchen with a hot plate and such like.

21676. There is no administrative block, then ?—No, it is administered from the main asylum.

21677. To that extent, therefore, the amount of expenditure is not really inclusive of all that would have to be put up in a building *de novo* ?—Quite, yes.

21678. That works out at about £340 per bed, roughly speaking. Is that, in your opinion, excessive ?—It is very excessive.

21679. What is the reason of the excess ?—I should say the extravagant ideas of the architect.

21680. Have you no check on the architect ?—No.

21681-82. You are a very powerful body; I have come across you once or twice ?—That is so, but the architect manages somehow or other to get these plans passed. I see the same difficulties prevail in England. The average cost of these thirty-two inmates of this particular block is 6s. 4d. per week.*

21683. Is that inclusive of everything ?—That does not include rent—everything else but rent.

21684. That includes all maintenance of every sort or kind, clothing and so on ?—Provision for the patients; for five nurses and household and laundry requisites, clothing and shoes, bedding and napery, laundry, washing and dressing, fuel, salaries and wages.

21685. Practically everything ?—Yes.

21686. You get back in economy of maintenance, shall I say, some of your extravagance in construction ?—Probably.

21687. With regard to this residential school, have the educable children improved at all since it has been erected ?—We have none there; it is uneducable cases that we have there. Our educable cases are sent to the Larbert Institution.

21688. Then these defectives and imbeciles are of the very worst type ?—The very worst type.

21689. Who are incapable of manual instruction ?—Yes.

21690. They are idiots ?—Yes.

21691. You say in your statement you had to transfer males from one part of your building owing to their misbehaviour ?—Yes, they were epileptics. There was an isolation block at Stobhill Hospital set aside for ordinary isolation purposes, but it had never been required, and we moved the whole of the epileptics in that institution to this block, and they were probably there three months when some misconduct took place and they had to be taken away and distributed throughout the other wards.

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*Mr. Motion subsequently wrote on this subject as follows :—

PARISH OF GLASGOW.

Parish Council Chambers,
266, George Street, Glasgow,
*March 13th*, 1908.

DEAR SIR,

IMBECILE CHILDREN.

I have to acknowledge receipt of your further letter of 12th instant as to the net cost of the imbecile children in our Woodilee Asylum, and, to make the point clear to the Commission, I am afraid I must trouble you with rather a lengthy reply.

Primarily, it is to be borne in mind that the Children's Home at Woodilee is within the grounds, and forms part of, the general administration of the asylum, and that in calculating the average cost of patients we are not allowed to differentiate between adults and children. The cost of 6s. 4d. per week for each child was specially made up for the information of the Commission, but the average rate for adults and children together works out at 12s. per week, as shown in the latter part of my Evidence. No portion of the Government grant is received by the District Lunacy Board, who control the asylums. The full rate of 12s. per week is charged by that Board against, and paid by, the parish council, which is a separate statutory authority, although in the parish of Glasgow it happens that the parish council constitutes also the District Lunacy Board. It is the parish council which claims the Government grant towards the expenditure on lunatics, and that grant, when received, is credited to the funds of the parish council and goes to reduce the assessment levied for the relief of the poor. The grant, therefore, does not form any reduction in the actual cost of lunacy administration.

For the year quoted in Evidence the average rate was, as indicated, 12s. per week, or £31 4s. per annum. Towards this expenditure the parish council was allowed to claim from the Government grant only 8s. 2d. per £ of admissible expenditure, and the total amount received from the grant works out at 3s. 4d. per week, making the net cost to the parish council 8s. 8d. in place of 12s. This practically means that the parish council would get back something like 2s. 7d. per week towards the net cost of the children if that cost was differentiated at 6s. 4d. per week. In other words, while it costs the Lunacy Board, as stated, 6s. 4d. per week for each child, it would be quite correct to assume that the allowance received from the grant reduced the actual cost to 3s. 9d. per week, although, as I have tried to explain, no portion of the Government grant goes to the credit of the Lunacy Board.

With these particulars I trust I have removed any misunderstanding relative to the point at issue.

Yours truly,
JAMES R. MOTION.
*Inspector and Clerk.*

H. B. N. Mothersole, Esq.,
Secretary, Commission on Feeble-Minded,
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21692. Throughout the other wards of the same building ?—Yes.

21693. So that it was quite possible to keep them within the same ring fence ?—Yes.

21694. But with some greater precaution in separating the sexes ?—Yes ; it is an institution on the block system.

21695. You say in your statement that the parish council should enclose within its net the insane and so forth. Will you tell me as exactly as you can, having got them within your net, how would you provide for all these people—the insane, the defective, the vagrant tramp, everyone disabled by poverty, and so on ?—By a proper scheme of classification.

21696. In buildings ?—No, classifying the particular cases and sending them to the buildings which we would design for them.

21697. Which of these classes which you designate have you got within your net ?—I think we have them all within our net, only we have not the net secure enough with a certain class.

21698. Where are the meshes broken ?—By the liberty to leave the poorhouse after twenty-four—and in some cases thirty-six—hours' notice. I am speaking of the "ins and outs."

21699. The vagrant as well as the defective ?—More, the "ins and outs." They are not vagrants in the sense that we were speaking of vagrants just now, because they do not go beyond the confines of the city as a rule. They simply go in and out. They come to us probably suffering from drink or venereal disease, or some other complaint.

21700. The parish council of Glasgow is practically the city council, is it not ?—No, it is a separate elected body.

21701. With the same area ?—The city council has a much larger area. The parish of Glasgow is confined to the north side of the river Clyde, and embraces a large municipal area and a large landward area.

21702. You control in that the lunatic asylums and —if I may use English terms—the workhouse ?—Yes.

21703. And the other municipal institutions—hospitals ? —Hospitals ; we have three hospitals and one poorhouse.

21704. Are practically all these populations, with the exception of very extreme cases of lunacy, interchangeable ; do they shift from workhouse to hospital ?—Yes.

21705. A constantly recurring system—a vicious circle of movement ?—We cannot change the lunatics ; we do not do it, but in regard to ordinary Poor Law cases, acute cases are taken to the district hospitals. They are then transferred from there either to the poorhouse according to the classification they are entitled to, or to Stobhill, which is a sort of superior poorhouse.

21706. Do you wish to detain permanently what you call the "ins and outs" ?—I would.

21707. Whether they are defective mentally or not ?—My judgment is that they are defective.

21708. All of them ?—Practically.

21709. 90 or 95 per cent. ?—Yes.

21710. And you would like to be able to detain them permanently ?—Undoubtedly. I would give them an opportunity of showing whether there is anything in them or not, by a system of what I call indeterminate sentences, as it were. A case comes up in two years ; if there is no improvement, well let it go back for another year or two years.

21711. Then there would be remission to a labour colony and so forth ?—Quite.

21712. (*Mr. Greene.*) I should be glad if you would tell me the meaning of the word "illegitimacy" in Appendix No. 1 (*page* 54). You say there is a total of seventy and a percentage of 1·03 ?—That means that seventy women applied, being pregnant and requiring relief.

21713. The "causation" refers to the condition of the applicant ?—Yes.

21714. That she is likely to have illegitimate children ? —Yes ; in point of fact she is a single woman.

21715. Are we to take it that you think that is rather a high percentage of people who come and seek relief in the maternity ward ?—No, I think it is very moderate.

21716. Is it in Scotland not so much found as we hear it is in England ; that girls frequent, and are "ins and outs" of, maternity wards ?—No, nothing of that kind.

21717. Are there fewer illegitimate births in Scotland than in other countries ?—I cannot answer that, but I say that this percentage is very moderate for a city like Glasgow.

21718. Do you find that feeble-minded girls are taken advantage of and become the mothers of illegitimate children ?—Comparatively few ; just now and again we have one, but it is a rarity—something unusual.

21719. I am only referring to feeble-minded girls ?— I understand ; it is a rare thing. I have a few photographs there (*handing photographs*). There is a case illustrative of that where a feeble-minded girl was sent to a very respectable couple as a servant, away in the country, away near Peebles. Something went wrong and she had to be brought back.

21720. Is there any necessity for protecting males and females who are feeble-minded by any sort of law ? Could you suggest any fresh criminal law ?—No, I think not.

21721. When they have a misfortune they are easily taken hold of by the Poor Law or by the Lunacy Law ?— Yes.

21722. And easily dealt with ?—Easily

21723. (*Dr. Dunlop.*) You have a very strong opinion regarding the desirability of having one authority to deal with all mental defectives, have you not ?—I have.

21724. You are decidedly against any division ?— Decidedly so.

21725. It would add to overlapping and complexity, and probably neglect, if the defectives were divided into certifiables and uncertifiables, would it not ?—That is so.

21726. In Scotland the parish is the only local authority that deals with these people ?—The parish is the only local authority that deals with the sane and the insane poor.

21727. If there were some changes made in Scottish law procedure in the matter, there would be no advantage whatever in bringing them under another authority such as the county council ?—No, I think that would be a mistake.

21728. Or under philanthropic bodies in the same way as reformatory schools are run ?—Practically I have no great faith in philanthropic effort.

21729. It is too big a matter for that ?—Yes, and it is too widespread. It does not do the work that one would assume from its magnitude it should do.

21730. Do you think it would result in national economy to have it done by philanthropic effort, or not ?—No, I think not.

21731. What about the inspecting body ? All these mental defectives should be inspected by the General Board of Lunacy, should they not ?—I should say that every case certified by the parish medical officer as lunatic, imbecile, or idiot, ought to be under the care of the General Board of Lunacy.

21732. You would extend that care to all cases of mental defect dealt with by the parish ?—Yes, undoubtedly.

21733. It is an advantage, and no disadvantage, to come under the Lunacy Board for their classification ?— Yes.

21734. Being under the Lunacy Board in Scotland does not mean that they must be extravagantly kept, does it ? —No, that does not follow.

21735. Regarding the care of defective children, your opinion is that this can be most economically done by a combination of parishes ?—Yes ; that has been brought prominently before me owing to the numbers ; the demand by Larbert for increased accommodation and such like, that I think by a combination of parishes in counties like Lanark, Dumbarton, and Renfrewshire, we can keep them much cheaper and just as well as at Larbert.

21736. To get some conception of the numbers, Glasgow sends about 200 to these institutions at the present moment ?—At present we have sixty-eight at Larbert, nineteen in Baldovan, and thirty-two in Woodilee.

21737. That is 120, in round numbers ?—120.

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21738. Do you think that meets the demand in Glasgow? Does that meet all the cases of imbecile children requiring institution care?—No, it does not.

21739. What number would?—You have to take the other parishes—the parish of Govan.

21740. No, let us take your own parish. It is a parish with roughly 600,000 inhabitants. What amount of accommodation would be necessary to meet the requirement?—Double that.

21741. We may say 250 for the 600,000?—I would not start a building unless it were capable of extension to that number, 250.

21742. What size of institution is the most economically managed—500, 1,000, or larger, or smaller?—I would not like to be dogmatic on that, but I am against large institutions.

21743. Do you think 500 should be the limit?—I should think so.

21744. It would be an economical number and a number that is easily managed?—Yes, quite; as long as it is not expanded as an asylum. It depends a great deal, having got the building, what man you put in to supervise and administer it.

21745. You would put in a medical man?—It depends on the medical man.

21746. You would prefer a medical man to a lay superintendent?—With administrative ability.

21747. A medical man with administrative ability you would aim at?—Yes.

21748. Your institution, would have 500 and that would meet the wants of 1,000,000 of population?—Yes.

21749. Scotland would consequently want five such institutions; the population is roughly 5,000,000?—Yes, probably you are right.

21750. You would make geographical combinations dividing the country into groups of 1,000,000 each combination for this purpose?—Yes.

21751. Regarding the economy of institutions run by philanthropic agency, and those by the parish, could you explain a little more where the economy would come in, and why the parish institutions would be cheaper?—There is the existing administration—the central administration, clerical work and that sort of thing.

21752. That is already provided for?—Yes; but if you take the cost per head per week of inmates in a poorhouse, 5s. 3½d., then the larger hospital, Stobhill Hospital, 10s. 9½d., you have a fair idea of the economical administration, at all events.

21753. Now we come to the asylums; you can tell us the average cost of Woodilee or Gartloch?—At the present moment the rate is 12s. a week.

21754. Can you tell us what Glasgow pays at Larbert and Baldovan?—£27 a year.

21755. That is a little more than 10s. a week. So, as a matter of fact, Larbert is cheaper at the present moment than Stobhill Hospital or either of your asylums?—Yes.

21756. I do not quite understand what you base your argument on that there would be greater economy. I see the reasons for efficiency, but I would like to understand where the economy comes in?—The economy, I think, is perfectly evident. I cannot off-hand put my finger upon the items, but I think it is perfectly clear that this 6s. 4d. rate that it costs us just now upon an equipped building very highly nursed with six patients per nurse, can be made a great deal cheaper without affecting anyone.

21757. I see your point, you base this opinion upon your experience at Woodilee?—Yes.

21758. Woodilee differs from the other imbecile institutions in that there is no teaching there?—We have all the facilities for teaching.

21759. But if you supplied teaching, the cost would be a great deal more, would it not?—Nothing to speak of, considering the number of nurses.

21760. One would balance the other?—Yes, entirely; if we had teaching we would not require so many nurses.

21761. You advocate the compulsory detention of "ins and outs"?—Yes.

21762. Primarily, because you say they are mentally defective?—Yes.

21763. Where would you detain these persons?—I would detain these persons in a department of the poorhouse separate from the other departments.

21764. In your opinion would it be objectionable to detain them in the common wards of the poor-houses?—As a matter of classification and good administration they should be separate, I think.

21765. That could not be carried out in a smaller poorhouse, could it?—No, but there are plenty of smaller poorhouses throughout the country that could be easily adapted to that class. That was to say, out of a total billet accommodation in Scotland of somewhere about 16,000, there are 3,000 vacant beds.

21766. In poor-houses?—Yes.

21767. Again, you would advise combination for the purpose of dealing with these "ins and outs"?—I think the Local Government Board ought to have power to combine parishes for that purpose—to make use of the existing stone and lime that is not occupied.

21768. You want large populations for the purpose of classification?—Quite.

21769. Do you think it would be objectionable to have two classes in the same wards of the same poor-house, some compulsorily detained and others not?—I would not be dogmatic on that. It is a new point, and that would depend upon the operation of the system for the first three or four years.

21770. You would like to try it both ways first?—Undoubtedly.

21771. Regarding inebriates, are you aware of the fact that a large number of them are distinctly mentally defective?—That is my opinion of those with whom I come in contact.

21772. You are aware of the fact that the Inebriate Acts put the burden of looking after these mentally defective inebriates upon the county and town councils in Scotland?—Yes.

21773. What has been the result of that?—The result of that has been that the Corporation of Glasgow has been mulcted in sums of from 10s. to 15s. and £1 per week for some of my old paupers that could be kept in the workhouse at 5s. a week.

21774. At all events, putting this mentally defective class upon the county councils and town councils has resulted in the transference of some ordinary pauper patients to a new authority?—Yes.

21775. That is overlapping in the very worst form?—Yes.

21776. And furthermore the town councils and county councils are not very much inclined to take on this new liability?—No, they have got afraid of it since this experiment by Glasgow.

21777. Does that point out to your mind any reasons for making one Act dealing with local administration apply both to England and Scotland?—Yes, that is one of the miseries of Scotch administrators in connection with the legislature, which tacks on to an English Bill the same provisions appertaining to Scotland without having any knowledge as it were of the forms prevailing in Scotland.

21778. This is one, the Inebriates Act, which does not fit into the Scottish circumstances. Can you tell us another—the Unemployed Act?—Yes, the Unemployed Act is just another case in point.

21779. Putting relief upon an authority that never had relief work to carry out before; is not that it?—Yes; the result was that we had to be called in to help them.

21780. There are one or two other classes of cases about which I should like to ask; senile dements—you think these can be thoroughly and efficiently nursed and cared for in workhouses in special departments?—Yes, set aside and licensed by the General Board of Lunacy.

21781. That is essential, but it is a class of case that requires nursing more than restraint?—Yes.

21782. They could be very well taken care of in private hospital wards?—Quite.

21783. For that again you want large population and combination ?—Yes, upon the same lines as the "ins and outs" and the children.

21784. There is still another class of case about which we had evidence last week and which I think you mention in your statement, that is prison cases—defective habitual offenders ?—Yes.

21785. Let us hear your opinions about that ?—I feel that it is a hardship upon the inmates of district lunatic asylums that cases such as these removed from Perth Criminal Asylum, Peterhead, and the Glasgow Prisons, should be dumped down among the respectable class of poor confined there.

21786. How do you propose to deal with them ? Have you any suggestion to make ?—They should be transferred to the place that I understood was always designed for them, namely Perth lunatic asylum.

21787. Which of course is not large enough to take them all in ?—I do not know.

21788. You would extend the criminal lunatic department to take them all ?—I think that is the way out of the difficulty.

21789. Have a State asylum to take them all in ?—Yes.

21790. Who is to pay for the maintenance there; have you any opinion as regards that ?—I do not care who has to pay for it; it comes out of the pockets of the public in the long run.

21791. But it does not all come out of the local funds at the present moment ?—That is immaterial. If these men and women are from my point of view paupers, then the Poor Law authority ought to pay for them, no matter where they are, just in the same way as we pay for boys and girls in reformatory and industrial schools.

21792. In your opinion the parishes would gladly pay for these patients in a State reformatory if they could get rid of them and get them cared for elsewhere ?—That is my opinion.

21793. That would be the best way to finance it ?—Yes, the simplest way.

21794. It brings these lunatics in line with the other lunatics in the country ?—Quite.

21795. (*Mr. Chadwyck Healey.*) Your evidence has been directed chiefly to the pauper class of defective ?—Entirely.

21796. Have you any suggestion to make about the class of defectives who are not paupers ?—No, I have not thought of that.

21797. (*Mr. Byrne.*) Of course you knowing Glasgow have considerable experience of the industrial school system which is much used in that neighbourhood; at the present moment feeble-minded children are theoretically excluded from those schools ?—Yes.

21798. And practically are excluded from them to a considerable extent ?—Yes.

21799. Do you approve of the system under which reformatory and industrial schools are run, do they do good in your district ?—They do.

21800. Are they economical ?—I cannot say that.

21801. You know how much they cost ?—Roughly speaking I know what we pay for our cases, but I do not know the total cost.

21802. Do you think it would be a good thing if industrial and reformatory schools could be made to include the defectives, or special schools started to include the defectives, either the morally defective or the mentally defective ?—I would rather see them apart.

21803. No matter how slight their defect was ?—That is so.

21804. Supposing you had them apart do you think an institution of the nature of a reformatory school would be a good thing for them, or would you prefer to have them in a place such as you have your idiots in—the £11,000 place ?—I would have them in practically the same place—but not in such an extravagantly built place.

21805. In a block ?—In a block, or preferably in small detached cottages in the country—a miniature farm colony.

21806. I was coming to that, because a reformatory school is that, is it not ?—No.

21807. Some of your reformatory schools are—Stranraer Reformatory School for instance ?—That is a very small one. Mossbank I know; that is simply one large building.

21808. It is that sort of thing you would like to see; not a palatial institution ?—I do not agree with palatial institutions.

21809. With regard to the feeble-minded people at home you say for our information that "The parish takes up and deals with all persons requiring relief" from so and so, "or insanity, under which latter head we include imbeciles, idiots, and feeble-minded persons where their parents or guardians are unable to continue to take care of them or provide for them in a proper manner." To what extent do you get to know about the existence of such children at home; in Scotland generally I mean, not in Glasgow where the education authority looks after them ?—Either the parent or a relative or the clergyman or a school master induces the parent to apply to the parish to get this child removed to some place of safety. That is the process.

21810. The only way to do it except by paying privately at Baldovan and so on, is to do it through the Poor Law ?—That is so.

21811. Is there any sentiment which prevents people from taking advantage of good advice given to them ?—No.

21812. The decent artisan fairly well off would get one of his people taken care of in a Poor Law institution ?—That is so. All these people pay the parish a reasonable sum per week in name of the Board.

21813. Still, they lose their vote, do they not, in Scotland ?—I cannot tell you.

21814. They are paupers ?—They are entered through our books and are classed in the same total of the poor chargeable.

21815. You would like us to gather that probably the people in Scotland see the utility of taking this step for their children and for themselves, and consequently there would be a larger proportion of such defectives being dealt with than there is in England ?—Probably, yes.

21816. With regard to the observation wards, most useful institutions, which you started at Barn Hill and afterwards at the Eastern District Hospital, is the Eastern District Hospital in the middle of the city ?—No.

21817. Is it available for the city ?—It is within ten minutes' car from the Central Chambers.

21818. It no doubt performs a useful function ?—Yes.

21819. It is so useful that you have said you would like to see it extended ?—I would.

21820. It would be very difficult to extend that in sparsely populated districts, would it not ?—It could be extended by combination on the lines I have already referred to in connection with "ins and outs."

21821. There is no power at the present moment to enforce such combination ?—No.

21822. You would recommend that such power should be given ?—Yes.

21823. And consequently power to some central authority to inquire how such people were dealt with in the district before you brought about the combination ?—Yes.

21824. With reference to your experiment with the epileptics at Stobhill, I suppose you do not consider that the right sort of place in which to keep epileptics permanently, do you. You later suggest an open-air colony ?—Undoubtedly, to take a certain number of cases necessarily we must put them somewhere; they are not reformable in any way. Out of the total number of sane epileptics, ninety-four, there were so many sent to this hospital, Stobhill, and so many we still have there for the purpose of being sent to a new Home about to be opened at Bridge-of-Weir. We were going to experiment in those that we thought to be curable by paying a rate to this philanthropic society, but, unfortunately, something has gone wrong with the water supply and they have not been able to take them off our hands yet.

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21825. There is no general system under which epileptic institutions can be started in Scotland; it must be part of the Poor Law ?—Part of the Poor Law, and that subject has been before the General Committee of the parishes of Edinburgh, Glasgow, and Govan in connection with the erection of suitable Homes for epileptics throughout the country. That subject has been laid aside till the Poor Law Commission reports on the matter.

21826. Have the Poor Law authorities in Scotland power, supposing they started an epileptic institution, to take in a paying person, a person of whom it could not be said for one moment that he was a pauper; say a person with many hundreds a year ?—No, we cannot take a case of that kind.

21827. It would be desirable, would it not ?—It would if the people were agreeable for their relatives to be sent to the institution.

21828. And the ideal institution would be an asylum for the rich person as well as the poor person ?—Undoubtedly.

21829. Your own aged feeble minded cost you 10s. or 12s. a week, do they not, except those you send to the Little Sisters of the Poor, for whom you pay 12s. a month ?—Yes.

21830. That is an example, I suppose, of religious and philanthropic extravagance ?—No, there are limitations to these, and exceptions. I do not call that a philanthropic institution, it is eminently religious.

21831. You distinguish between those ?—Yes.

21832. Your suggestion that economy might not be gained in that direction refers to philanthropic institutions, not to a religious institution ?—Yes; that is first and foremost a religious institution.

21833. A mendicant religious society ?—Yes.

21834. Is it an offence in Scotland under the Poor Law, Vagrancy Law, or any other Act, for a person by drunkenness to bring himself upon the rates ?—I am sorry to say it is not.

21835. Would you recommend that it should be ?—I would, strongly.

21836. If it were made an offence would you make it one of the offences for which a person should be committed for a considerable term of years to a reformatory ? —Yes. I am in favour of the penal clause of the German code, 301. I have not got it in my head at the moment, but it has been referred to elsewhere. If we had some provision like that in Scotland—at all events where a man goes away to play, drink, or debauchery, etc., etc., so that his wife and dependents become chargeable on public funds—so that he could be committed to a House of Correction for a given period, it would be useful.

21837. That is the case in many other countries as well as Germany, Belgium and so on ?—Yes.

21838. You would like to see that in England and in Scotland ?—Yes.

21839. Do you think a person who comes within that description is a person with respect to whom an indeterminate sentence seems called for ?—Yes.

21840. You think there is no use whatever in saying it is an offence for which he may get three months' hard labour; would that be any good at all ?—It would require two alternatives.

21841. You would like in some cases to be able to give hard labour ?—Yes.

21842. But you would like to have a power of giving an indeterminate sentence in an institution where he could be made to work ?—Such as a first offender—a first offender who has been before the Court for this given misdemeanour.

21843. It has been suggested to us that the first offender in that way is a person whom it is less desirable to deal with, because if you take him fresh you may possibly reform him and get him into habits of work and restore his manliness, whereas if you take an old offender there is no power by which you can reform him. Have you ever known a person who has been convicted 100 times reformed by any agency, in heaven or earth ?—No, I would lock that person up for life.

21844. Admitting that, do you think the indeterminate sentence might be tried with the defective in the case of a man, say of twenty-two, who had only thrown himself on the rates, say, three times in one year ?—Yes, I am in favour of that and probation for first offenders —both.

21845. According to the circumstances of the case ?—Yes.

21846. (*Dr. Dunlop.*) Mr. Byrne was asking about pauperising; when a person requires relief for an imbecile child, does not that pauperise the person in Scotland ? No, the name goes through our books. It depends on what you mean by pauperising.

21847. The child is receiving parochial relief ?—Yes.

21848. But the father of the child does not *ipso facto* become a pauper and lose his Parliamentary vote ?—No, and it does not affect his settlement.

21849. (*Mr. Byrne.*) Does not he become a registered pauper within the meaning of your return ?—The child's name appears in our books as a pauper.

21850. Not the father ?—Not the father.

21851. (*Dr. Dunlop.*) You have had large experience in starting new districts for boarding out; I think it would be of interest for you to tell us what you have done in Fife, for example ?—Previous to May, 1885, the borough and parish of Glasgow had practically no boarding out. After that period, to prevent the erection of additions to the asylums, and as we knew there were a number of chronic harmless cases quite fit to be boarded out, efforts were at once started to find suitable places. I am a native of St. Andrews and I knew that in the county of Fife there were a number of little hamlets or villages where weaving had been practiced for ages past, and I went there personally and sent my assistant to elicit the sympathy and good offices of the local medical gentlemen, and was able to board out, roughly speaking, what has now risen to a very, very large proportion of our insane at sums varying from 6s. to 7s. per week. The average cost last year is 8s. 8d. per week; the difference between that and keeping them in an asylum, roughly speaking, would be about £2,500 or £3,000.

21852. (*Chairman.*) Did you have any difficulty in getting the first ones boarded out there ?—None whatever.

21853. Of course, after the first few I suppose it was very easy ?—After the first few we could then pick and choose the best type of guardian.

21854. You have, of course, to be very careful what cases you do board out, first ?—We went through this particular asylum and found the class of inmates that were working about the farm, and on the land, and were otherwise suitable for boarding out; we selected them and got the medical superintendent to certify that they were fit to be boarded out and removed them accordingly.

21855. (*Dr. Dunlop.*) At the starting of it there was difficulty, but that was got over by your personal persuasion ?—And that of the medical gentlemen in the district. A striking example of that is Dr. Constable of the parish of Leuchars in Fife.

21856. (*Mrs. Pinsent.*) You have not built special houses for the purpose, you take the houses as they are ? —We take the houses as they are, and preferably with some aged couples whose family have gone off and left them with plenty of bed accommodation, and preferably in fruit-growing districts, such as the village of Balmullo in Fifeshire, near Leuchars Junction, and Ceres and Craigrothie further west, and especially the district of Lanark which was visited by members of the Home Relief Congress under the presidency of Dr. Charles Macpherson, the previous witness.

21857. I suppose the houses are first inspected ?—The house is first inspected by the inspector of poor; if it passes him, application is made to the General Lunacy Board, and Dr. Macpherson and his colleague then visit, and before we can put a patient in there it must receive their approval.

JOHN CARSWELL, Esq., L.R.C.P.E., F.F.P.S.G., J.P., called; and Examined.

21858. (*Chairman.*) You have been so kind as to give us a statement of your evidence, may we put that on our notes?—Certainly.

STATEMENT OF THE EVIDENCE PROPOSED TO BE GIVEN BY JOHN CARSWELL, ESQ., L.R.C.P.E., F.F.P.S.G. J.P., CERTIFYING PHYSICIAN IN LUNACY TO THE GLASGOW PARISH COUNCIL; PHYSICIAN TO THE MENTAL DEPARTMENT, EASTERN DISTRICT HOSPITAL, GLASGOW; LECTURER ON MENTAL DISEASES, ANDERSON'S COLLEGE MEDICAL SCHOOL, GLASGOW; EXAMINING MEDICAL OFFICER TO THE CLASSES FOR MENTALLY DEFECTIVE CHILDREN, GLASGOW SCHOOL BOARD; LATE CHAIRMAN OF THE INEBRIATES COMMITTEE, GLASGOW CORPORATION; MEMBER OF THE GLASGOW JUVENILE DELINQUENCY BOARD.

Since 1878 I have been engaged in the practice of medicine, and have been specially interested in the department of lunacy. I was for two and a half years assistant medical superintendent of Woodilee Asylum, Lenzie, and subsequently was engaged in private practice in a large working class district of Glasgow, and at the same time held the appointment of certifying medical officer to the Barony parish of Glasgow, in which capacity I certified in lunacy, and I also certified applicants for admission to the poorhouse; in the latter capacity I medically examined considerable numbers of the pauper class, particularly of the class of habitual paupers known in Glasgow as the "ins-and-outs." For a number of years I have devoted myself entirely to practice in mental and nervous diseases. As a member of Glasgow Town Council for seven years I had opportunities of observing the operation of the provision made in model lodging-houses, and various other Homes and shelters for the homeless classes, and I was Chairman of the Inebriates Committee, under whom the reformatory for inebriate women is carried on by Glasgow Corporation.

In the course of my duties I see a large number of persons suffering from mental disorder, charged with petty offences or crime at the various police offices of the city.

I examine on behalf of the school board the children admitted to their special schools; and I am familiar with the class of children who come within the scope of the operations of the Juvenile Delinquency Acts, being a member of the board of directors.

I have for many years advocated hospital wards or reception houses for the treatment of temporary or undefined and incipient insanity, and I am physician to the wards for that purpose established by the Glasgow Parish Council.

I shall be prepared to answer questions on points which may be within my knowledge arising in connection with any of the departments just indicated. I may, however state some general conclusions which my experience has led me to adopt.

### WHAT IS FEEBLE-MINDEDNESS, AND WHO ARE THE FEEBLE-MINDED?

The term feeble-minded, for the purposes of this inquiry, seems to be held to apply to all persons who show mental infirmity of any degree, from idiots and certifiable lunatics up to a certain undefined class of persons who are facile in their thinking and habits.

So far as certifiable lunatics are concerned I am not aware of the existence of any complaint that such persons are inadequately or improperly cared for in Scotland. No doubt improvements might be effected, but most of, if not all, such alterations are within the powers and at the discretion of the General Board of Lunacy, and of the local authorities concerned.

Idiots and imbeciles are on the whole well cared for under the sympathetic interest of the General Board of Lunacy, private charity, and the parish councils; but there is room for extension of the existing provision, mainly I think in the direction of provision for the custodial care of imbeciles after they pass school age.

*John Carswell, Esq., L.R.C.P.E., F.F.P.S.G., J.P.*

2 Mar. 1906.

I desire to state clearly and explicitly that no such state of matters exists in Glasgow, as regards the care and education of imbeciles and idiots, as Miss Dendy has described as existing in Manchester, and, I think, also elsewhere in England. The school board is vigilant in ascertaining the number of imbecile and idiot and mentally defective children of school age in Glasgow, and all the cases unsuitable for education in the special classes are reported to the Parish Council who quite readily undertake the obligation of making provision for them. If any children are not provided for, it is because the parents will not consent to their removal from home. I do not consider compulsory powers of removal of an imbecile child from its parents necessary under existing circumstances, because the cases in which such powers would be advisable are extremely rare.

If the term "feeble-minded" be limited in its application to the two classes of (*a*) registered lunatics, and (*b*) idiots and imbeciles, we may estimate with tolerable accuracy the nature and the prevalence of such feeble-mindedness; and my opinion is that in Scotland it is only in the case of idiots and imbeciles that further provision is necessary. I think that small parishes might with advantage receive special assistance from the Imperial Treasury, towards the cost of maintenance of imbecile children in training schools.

But there exists a large class of feeble-minded persons who do not come within the scope of existing lunacy legislation, the character and degree of whose mental infirmity is not easily defined, and for whose proper control and care no satisfactory provision exists, although they are nevertheless a burden upon the community, being found in special schools, industrial schools, reformatories, poorhouses, prisons and similar institutions.

It is impossible to define satisfactorily the term "feeble-minded" as applied to the group of persons I have indicated. At the same time I think that the mental characteristics and habits of the persons referred to are sufficiently known to make it possible to frame such a definition of the term "feeble-minded" as would satisfy the requirements of any statutory provision that might be suggested for their better care and control.

### FEEBLE-MINDED CHILDREN UNDER SCHOOL AGE.

Although this is not a numerous class, (and as a rule parents do not ask for public assistance for them), yet there are many cases where an idiot or epileptic infant in a poor family living in a small house is a serious burden. These cases come under the class of imbecile children for whom extended provision is necessary, which has been already alluded to.

### FEEBLE-MINDED CHILDREN OF SCHOOL AGE.

According to the last published returns of the Glasgow School Board there were in the Glasgow School Board area, (total population at all ages 621,692).

| | |
|---|---|
| Between ages 6 and 14, estimated number of children | 100,961 |
| Between ages 6 and 14, at school | 97,682 |
| | 3,279 |

being 96·7 per cent. at school.

"This difference is to be accounted for by (*a*) children who, owing to their family circumstances, have been exempted on condition of their attending an evening school (*b*) infirm children; (*c*) children belonging to Glasgow who are in institutions outside the School Board area; and (*d*) children being educated at home."

| | |
|---|---|
| Imbecile children in institutions | 123 |
| Mentally defective children in special schools | 202 |
| | 325 |

being 0·32 per cent. of children of school age known to be feeble-minded or imbecile.

It is probable that further systematic efforts towards bringing mentally defective children under official cognisance and the provision of special schools in new centres would result in an increase in the number of such children, but there is no reason to suppose that it would reach more than 1 per cent. of the children of school age.

**Question 21858.**



*John Carswell, Esq., L.R.C.P.E., F.F.P.S.G., J.P.*

2 Mar. 1906.

There are many children of poor mental capacity, and others who manifest delinquency, all of whom are in a sense "defective," but the majority of such children are not inherently feeble-minded and would respond in increased mental tone if properly cared for and properly fed. The results of boarding-out of pauper children by the large parishes in Scotland prove that. It would be wrong in my opinion to classify those children under the term "feeble-minded," not only for the reasons indicated, but also because to do so would obscure the true dimensions of the case for the care of feeble-minded children, and divert attention from the consideration of social questions of wider relations. They are the children of poor, frequently inefficient, and even defective parents, but it does not follow that they are defective or feeble-minded children. 2,645 Glasgow children of school age are in various reformatories and industrial schools, and are mostly the children of inefficient parents, yet in spite of the physical and social disadvantages of their early years, there is the satisfaction of knowing that the great majority of these children do well.

Extended provision for the teaching of mentally defective children in special schools, and of accommodation for the care and training of imbecile and idiot children to the extent of 1 per cent. of the school age population ought to meet the requirements of Glasgow, and both can be provided by the local authorities under the present law. The results of teaching in the special schools are as satisfactory as may be expected, and I give two typical lists tracing the after history of the children.

## GROVE STREET SCHOOL DEFECTIVE CLASSES.

PUPILS WHO HAVE LEFT SCHOOL.

*February*, 1906.

| Name. | Date of Birth. | Date of Leaving. | Remarks. |
|---|---|---|---|
| 1. J. McH. | 25th Nov., 1889 | June, 1904 | Working with his father, a master plumber. |
| 2. W. R. | 11th Oct., 1889 | Sept., 1903 | Comes to school sometimes. Cannot keep a place—a regular loafer. |
| 3. R. H. | 5th Dec., 1892 | Sept., 1904 | Removed to Braid Street School. |
| 4. G. McL. | 3rd Jan., 1891 | May, 1905 | Carries milk, etc. Poor sort of home. |
| 5. J. R. | 27th Sept., 1892 | Sept., 1904 | Removed too far to come to this school. |
| 6. J. G. | 1st June, 1890 | Mar., 1903 | Well behaved, but stupid. Was tried in plumber's, but was of no use. Working with fruit barrow. |
| 7. J. B. | 9th Sept., 1892 | Oct., 1904 | Removed to Henderson Street School. |
| 8. F. B. | 17th Apr., 1889 | Oct., 1902 | Removed to Rochvilla School. |
| 9. J. O. | 17th May, 1892 | Sept., 1902 | Removed to poorhouse. |
| 10. A. B. | 17th Jan., 1889 | Dec., 1902 | " " |
| 11. W. A. | 29th June, 1891 | Aug., 1902 | " " |
| 12. C. B. | 22nd Aug., 1890 | June, 1905 | Helping at home; very soft. |
| 13. K. McG. | 26th June, 1891 | Mar, 1905 | Doing odd jobs; would need supervision. Poor sort of home. |
| 14. M. C. | 18th Dec., 1892 | Feb., 1903 | Unfit for class. |
| 15. K. T. | 17th Sept., 1891 | Mar, 1903 | Removed to St. Aloysius' School. |
| 16. A. G. | 15th July, 1892 | Mar., 1903 | Boarded out by Parish Council. |
| 17. K. I. | 13th June, 1890 | June, 1904 | In care of Arlington Home. At present in service in Dennistown. |
| 18. A. G. | 5th Feb., 1889 | Feb., 1903 | Have not seen or heard of him. |
| 19. J. J. | 5th Mar., 1894 | Jan., 1903 | Removed to Kerr Street Cripple Class. |
| 20. R. C. | 20th Mar., 1894 | Oct., 1902 | Removed to Larbert. |
| 21. J. J. | 2nd Jan., 1887 | Dec., 1904 | At home—well cared for. Mongshan. |
| 22. W. McN. | 31st Mar., 1890 | Aug., 1904 | Not able to work—poor sort of home. |
| 23. M. C. | 5th Jan., 1895 | June, 1905 | Removed to Falkirk. |
| 24. A. W. | 26th May, 1887 | June, 1905 | Cretin. Not able to work. |
| 25. R. McK. | 24th Nov., 1890 | Mar., 1905 | Finds it hard to get work. |
| 26. A. McK. | 9th Sept., 1896 | Mar., 1905 | Removed from district. |
| 27. A. W. | 24th Dec., 1890 | Dec., 1904 | Went to Coatdyke. |
| 28. C. R. | 26th June, 1899 | Dec., 1904 | R.C. Removed to St. Aloysius' School. |
| 29. D. McN. | 6th June, 1893 | Aug., 1905 | Removed to Stobhill Hospital. (Fits.) |
| 30. S. McE. | 26th Dec., 1895 | June, 1905 | R.C. Removed to St. Joseph's School. |
| 31. M. C. | 26th Dec., 1895 | Mar., 1905 | Removed to Scotstown. |
| 32. W. W. | (Dead) | | |
| 33. G. W. | (Dead) | | |
| 34. J. D. | 21st Feb., 1891 | Sept., 1906 | Not able to work—well cared for at home. |
| 35. J. H. | Transferred to ordinary class, and doing well there. | | |
| 36. S. McK. | | | |
| 37. J. H. | | | |

## FINNIESTON SPECIAL SCHOOL.—MENTALLY DEFECTIVES.

CHILDREN TAKEN OFF ROLL, 1901–1906.

*John Carswell, Esq., L.R.C.P.E., F.F.P.S.G., J.P.*

2 Mar. 1906.

| Name. | Date of Birth. | Date of Leaving. | Remarks. |
|---|---|---|---|
| D. J. | Oct., 1887 | Nov., 1901 | Tried various places as errand boy, but lost all his jobs. Taken advantage of by bigger boys on the street, and gave up to them whatever they asked. Tried brass-finishing, unsuccessful at that. Now at home. Very decent people. |
| L. D. | Mar., 1891 | June, 1902 | Sent to Larbert Inst. |
| D. McG. | Jan., 1890 | Sept., 1902 | Priest interfered, and had him sent back to R. C. school. |
| T. W. | Nov., 1889 | Aug., 1902 | Promised to apply for admission to Larbert. Still at home, Nov., 1905. |
| J. M. | April, 1892 | Oct., 1902 | Sent to Larbert Inst. |
| M. S. | June, 1886 | Aug., 1902 | Went to work with his father in a bottling store. Is still there earning 6s. a week. |
| D. McI. | Nov., 1891 | June, 1903 | Sent to Larbert Inst. |
| J. M. | July, 1889 | Aug., 1903. | Still at home with grandmother, who won't hear of his being sent away. Seems in consumption. Has lately been left a small legacy. Had pilfering habits. |
| A. McD. | July, 1887 | Sept., 1903. | Mind gave way completely and was for a time in Gartloch. Now at home, and not able to do any work. |
| W. W. | June, 1892 | Dec., 1903 | Imbecile—taken off roll. Father would not hear of his being sent to Larbert, and gets someone to teach him at home. His sister has lately been enquiring about proposed Home (After-Care Committee). Would send him there. |
| D. F. | Nov., 1890 | Mar., 1904 | Exempt under 14, as family was in needy circumstances, and D. was offered a job at 6s. a week. Family removed from district. |
| G. M. | April, 1898 | June, 1904 | Family removed from district, and could not be traced. |
| R. T. | May, 1889 | Aug., 1904 | Left school to become a fish-cadger. Has lately hawked briquettes, and got into trouble with mother for withholding part of his wages. Struck his mother and got 7 days' imprisonment for assault. At school showed temper occasionally. |
| H. M. | Dec., 1888 | Feb., 1905 | Left-sided paralysis. Went to be a message boy, but lost job owing to another boy coming back. Has since been idle. |
| J. S. | Jan., 1897 | Nov., 1905 | Mother out working all day, and could not look after children. Both, along with a younger child, sent to Baldovan Inst. |
| G. S. | June, 1900 | Nov., 1905 | |
| M. C. | Dec., 1889 | May, 1901 | Removed to Paisley. |
| J. McS. | May, 1888 | Aug., 1902 | Eye defect. Was very deaf at school. Deafness increasing. Working in Carlaws (ticket packing) 4s. a week. |
| M. L. | April, 1891 | Aug., 1902 | Removed—present address unknown. |
| A. B. | April, 1891 | Aug., 1902 | Removed to Kilbowie. |
| I. McC. | Aug., 1899 | Nov., 1902 | Trained in Girls' Home, Renfrew Street. Cannot find out present whereabouts. |
| J. McI. | July, 1887 | Feb., 1903 | Was very delicate at school. Now working in fancy-box makers, 4s. or 5s. a week. |
| M. L. | May, 1890 | Aug., 1903 | Removed to Clydebank. |
| J. R. | Dec., 1891 | Sept., 1903 | Sent to Baldovan Institute. |
| R. C. | Oct., 1886 | Nov., 1903 | Trained in Girl's Home, Renfrew Street, and is now in service. |
| M. D. | Oct., 1889 | Mar., 1904 | Was working for sometime in Carlaw's (with J. McS. above), but was paid off at slack time. Now idle. |
| S. G. | Aug., 1895 | May, 1904 | Family admitted to poorhouse. Children boarded-out. |
| M. C. | Mar., 1897 | Sept., 1904 | Removed to Dumbarton. |
| J. O. | Aug., 1893 | May, 1904 | Removed to Partick. |
| M. H. | Mar., 1887 | April, 1905 | "Silly" in appearance and conduct. Learnt very little in class. Now at home. Mother says will be kept at home. |
| J. A. | Nov., 1895 | May, 1905 | Removed to Mt. Florida, where tried in ordinary school. |

**Question 21858.**



*John Carswell, Esq., L.R.C.P.E., F.F.P.S.G., J.P.*

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FINNIESTON SPECIAL SCHOOL—MENTALLY DEFECTIVES—*continued.*

Children taken off Roll 1901–1906—*continued.*

| Name. | Date of Birth. | Date of Leaving. | Remarks. |
|---|---|---|---|
| R. H. | July, 1890 | May, 1905<br>Transfer. | Left when 14. Father says he is going to keep her at home, and refuses to hear of her being sent to an institution. She is very defective. |
| L. L. | June, 1893 | Mar., 1902 | Transferred to Finnieston ordinary school. Makes very fair progress. |
| C. E. | Aug., 1891 | May, 1903 | Transferred to Finnieston ordinary school. Made good progress. Now at home. |
| A. E. | Jan., 1891 | Aug., 1903 | Transferred to Kent Road school. Have had good reports of him from there. |
| W. McL. | Jan., 1893 | Jan., 1904 | Transferred to Finnieston ordinary school. Makes fair progress. |
| J. H. | June, 1896 | — | Sister of R. H. alone, died September, 1905. |

### ADOLESCENT FEEBLE-MINDEDNESS.

If feeble-mindedness always manifested its existence during the period of childhood it would be a comparatively simple matter to devise measures for the control of the majority of the feeble-minded, as much that has been written on the subject seems to imply. It is a fact, however, that only certain congenital defects of brain growth and certain brain diseases of infancy which interfere with the nutrition of the brain show their presence in early life. In my opinion the period of adolescence is the starting point in the life history of the individual of a large number of cases of true feeble-mindedness, although it may not be associated with any apparent intellectual defect.

The adolescent insanities are well known; but short of actual insanity there exist many conditions of moral defect and perversion and general incapacity that can only be considered to be pathological.

I am of opinion that all adolescents who are found to be habitual offenders, or inebriates, or paupers, should be carefully examined as to their mental condition, and, if found to be defective, should be committed to a labour colony until such time as it may be considered safe to discharge them. I know of no figures which would enable us to estimate how many persons of this class exist in the community, but it is probable that they bear a definite relation to the number of persons who become insane during the age period fifteen to thirty. During each of the last five years in Glasgow parish the number of persons who became insane (pauper lunatics) during the age period fifteen to thirty was as follows:—

| Year. | M. | F. | Proportion per 10,000 M. | F. |
|---|---|---|---|---|
| 1901 | 52 | 59 | 5·9 | 6·9 |
| 1902 | 76 | 51 | 8·5 | 5·9 |
| 1903 | 45 | 39 | 5·0 | 4·5 |
| 1904 | 57 | 58 | 6·2 | 6·5 |
| 1905 | 64 | 62 | 6·9 | 6·8 |

The number of persons living at those ages averaged about 90,000 males and 88,500 females.

### THE FEEBLE-MINDEDNESS OF LATER LIFE.

These are of two classes, (*a*) the premature failure and (*b*) the senile feeble-mindedness.

(a.) *Premature Failure.*

A large number of persons who have spent their lives in an industrial community become social derelicts at ages forty to fifty. Most of them are given to drink, and, as a rule, sympathy and occasional assistance fail to save them. Those who become paupers should be compulsorily detained because they wander in and out of the poorhouse and have no capacity to better themselves; those who fall into criminal ways should be committed to labour colonies.

(b.) *Senile Feeble-Mindedness.*

The number of aged people sent to asylums is increasing, and I am of opinion that more provision should be made for feeble-minded aged people, and if possible outside asylums.

In Glasgow parish during the last five years the number of persons sent to the asylum for the first time at ages fifteen to forty-five has been equal to a proportion of about 8 per 10,000 persons living at these ages, and there is no indication of any tendency to increase, whereas the proportion of persons over forty-five sent to the asylum for the first time has been about 13 per 10,000, and there is a distinct tendency upwards.

The conclusion I draw from that is that public assistance in the maintenance of feeble-minded people who cannot contribute to their own support is being sought in increasing measure, not because mental failure is becoming more frequent at those ages, but because people are more readily accepting public assistance, and the conditions of the labour market are becoming more unfavourable to the employment of feeble-minded people.

### HABITUAL INEBRIETY AND FEEBLE-MINDEDNESS.

The majority of habitual inebriates are feeble-minded or confirmed neurotics, particularly those who have reached the stage of being "habituals" while still in the adolescent period of life. The hopes entertained of reforming *young* inebriates have been sadly disappointed by actual experience.

I am strongly in favour of further powers of compulsory control over the person and property of habitual inebriates; and I think that such compulsory powers should be extended to the case of the habitual drunkard who is a danger to himself and others, but who may not have committed any police offence or crime. "Habitual drunkard" should include "habitual user of narcotic drugs."

### OBSERVATION WARDS OR HOSPITALS FOR THE CARE AND TREATMENT OF INCIPIENT OR UNDEFINED INSANITY.

The Glasgow Parish Council provided two wards for the care and treatment of early cases of insanity, and I have had medical charge of the patients since the opening of the hospital in June, 1904. I submit a return showing the number of patients treated and the results of treatment from the opening on 15th June, 1904, till 18th February, 1906.

OBSERVATION WARDS, EASTERN DISTRICT HOSPITAL, GLASGOW.

| | M. | F. | T. |
|---|---|---|---|
| Admitted:— | | | |
| Delirium tremens | 156 | 69 | 225 |
| Delirium (non-alcoholic) | 27 | 11 | 38 |
| Excitement | 52 | 73 | 125 |
| Depression | 74 | 87 | 161 |
| Mental confusion | 91 | 70 | 161 |
| " " (puerperal) | – | 16 | 16 |
| Stupor | 15 | 9 | 24 |
| Hysteria | 2 | 14 | 16 |
| Cerebral disease | 5 | 2 | 7 |
| Epilepsy | 17 | 15 | 32 |
| General paralysis | 14 | 3 | 17 |
| Dementia | 25 | 12 | 37 |
| Delusional states | 19 | 14 | 33 |
| Various | 37 | 7 | 44 |
| Total under treatment | 534 | 402 | 936—936 |

| | M. | F | T | |
|---|---|---|---|---|
| Discharged:— | | | | |
| Cured | 242 | 171 | 413 | |
| Relieved | 96 | 64 | 160 | |
| | 338 | 235 | 573 | —573 |
| To asylum | 133 | 116 | 249 | |
| To other asylums | 7 | 9 | 16 | |
| Died | 34 | 30 | 64 | |
| | 512 | 390 | 902 | —902 |
| Remaining at 15th | 22 | 12 | 34 | —34 |

*Note.*—During the period reported upon ninety admissions were re-admissions.

The system has worked satisfactorily, and has been greatly appreciated by the patients and their relatives. Under proper safeguards for the separation of respectable patients from the degraded or criminal class of defectives it would be possible to utilise the wards, or additional wards, for the purpose of systematic and extended observation of persons supposed to be feeble-minded who may have fallen into criminal ways.

J. CARSWELL.

21859. (*Dr. Dunlop.*) You have had experience, I think, in practically every aspect of the subject which this Commission is considering?—I have had experience in a great many directions.

21860. Might I ask you to go through a few of the classes dealt with? First of all about school children; you estimate the number of school children defectives as 1 per cent. of the total?—That is an estimate only; it is not based on any actual investigation beyond taking the number of children chargeable to the parishes included in the school board area of Glasgow as imbecile and idiot children and provided for in institutions *plus* the number of children in special classes in the Glasgow school board area. I think probably further investigtaion would increase that number, but I do not think it would increase it beyond 1 per cent. That is inclusive of what are called defective children, and idiot and imbecile children.

21861. But 1 per cent. in your opinion is quite an outside figure?—I think so. I should be surprised if actual investigation showed it to be higher.

21862. In Glasgow at the present moment, dealt with in various ways, there are about 400 between the imbecile asylums and the special schools?—325.

21863. Do you think that total would be more than doubled?—I think it is likely.

21864. Regarding special schools, what is your impression of the result of teaching in special schools? You do not cure imbecility, do you?—No.

21865. To what extent is it relieved or improved?—Imbecility is not removed, but the aptitudes which even imbecile and defective children have are educated up to a certain point, and that education enables them to live a somewhat more rational existence, and makes them more amenable to association with other children and other people.

21866. It makes them more human?—It makes them more human.

21867. It does not make them self-supporting, they cannot compete with normals?—Not imbeciles. If you distinguish between imbeciles and the children in defective classes, a certain number of children in defective classes have come to be able to earn a little. There are cases, even out of imbecile institutions, where children have come to earn a little, but they are comparatively rare.

21868. You are aware of the distinction made in the English Act, simply dull and backward, imbecile, and something intermediate?—I am aware of that and am expected to apply it in the examination of the Glasgow school children.

21869. Is it not the fact that the dull and backward may be made to be useful members of society, but after you get past that into any lower grade than the dull and backward the chances or real successful training are very small?—That is so.

21870. Special schools are very expensive, are they not?—I cannot tell you the cost, but there is a special grant, I understand, given by the Exchequer for these special schools, and presumably on account of their extra expense.

*John Carswell, Esq., L.R.C.P.E., F.F.P.S.G., J.P.*

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21871. Do you know how much per head it costs in Glasgow?—I cannot tell you that. The teachers are specially selected, they are better paid than the ordinary teachers, and the size of the class is limited to twenty for each teacher.

21872. All that means much more expensive teaching?—Yes.

21873. Do you think the results justify that large amount of expensive teaching?—It is early yet to speak of justification of such expenditure. It will require something to justify it.

21874. In Glasgow it has not been going long enough?—I would not like to express an opinion on that point. I think it is a humane and proper thing to do and a scientific thing to do, and I do not think the expense is so very great that the ratepayers need complain of it.

21875. Take 1,000 children in Glasgow, which is the maximum number you give?—That includes idiots and imbeciles who would require to be in institutions.

21876. Let us call it 500 for the special classes. The evidence in England is to the effect that it costs about £10 per head; that means about £5,000 per annum. Do you think Glasgow could spend that sum better in institutions?—I am not enamoured of institutions if they can be avoided.

21877. As regards imbecile institutions or asylums in Scotland, you state that powers exist now for the establishment and maintenance by parishes?—That is so.

21878. As a matter of fact, barring this one small institution at Woodilee Asylum, it is not done by parishes directly?—It is not.

21879. Can you tell me why that is, or is that a point more for the central authority to express an opinion on?—I do not think the question of the care of imbecile children in Scotland, certainly in Glasgow, has been so very urgent a question hitherto as to force the question to the point of serious consideration and decision. It is always a question that has been discussed, considered, and talked about, but I do not think that the difficulties have been such as to create a public opinion forcing the question to a decision.

21880. Is that condition of affairs not rather due to the fact that Glasgow is the only city in Scotland which does very much for its imbeciles—is active in dealing with its imbeciles—and that there is consequently room in the philanthropic institutions for the Glasgow children?—Probably. I daresay many causes have operated.

21881. It is a fact that the district asylums must provide asylum accommodation?—District boards must provide district asylums for the accommodation of the lunatics of the district.

21882. Imbeciles are lunatics in Scotland, are they not?—That is so—that is to say, certifiable imbeciles.

21883. But the district boards have not provided special accommodation for these imbeciles of young ages during the trainable period?—No, they have not provided training schools at all; the case of Woodilee is the case of the provision of a children's department of an asylum for the care of uneducable idiot and imbecile children, but they have not provided training schools in the sense of Larbert and Baldovan.

21884. In your opinion they should, however, provide training schools?—I think that the provision should be made; whether made by the parishes or contributed to by the parishes is a question of administration.

21885. But you say it should be as compulsory on the district boards or parishes to provide training schools for imbecile children as it is to provide asylums for lunatics?—I think that the two cases are equally a suitable requirement of the local authority.

21886. It should be compulsion in one case as much as it is compulsion in the other?—Quite so.

21887. We have had a good deal of cross evidence as to the reasons for removal into imbecile asylums. Have you any opinion to give as to what are the indications for

*John Carswell, Esq., L.R.C.P.E., F.F.P.S.G., J.P.*

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removal into imbecile asylums? Would you take all imbeciles; would you make the compulsory removal of imbeciles the law?—As I understand your question it is directed towards the elucidation of contrary opinions that have been expressed here; or there is something involved in the question which I do not apprehend.

21888. I want your own personal opinion. What cases would you remove to imbecile asylums; would you take all cases or only selected cases, and if you select them on what ground would you select them?—I am not clear what you mean by imbecile asylums. We have no such imbecile asylums as you have in England at all.

21889. Institutions comparable to Larbert. What cases would you send to such institutions?—Every child who was manifestly imbecile and who required, or who would be likely to be benefited by, institution care and training, and whose parents were willing that he should go.

21890. Would you send imbeciles who are sufficiently cared for at home?—I think there is now and again a case. I have seen cases, not a great many, where compulsion on the parents would be a wise thing in the interest of the child.

21891. Such a condition of affairs does happen; that ought to be one reason?—Yes.

21892. Another possible reason is where parents are not in a position to take care of them, the mother has to go out to work, or there is a large family, and they cannot take care of the child; do you think such a parent is entitled to claim relief?—I think so, and I have read in the notes of evidence that have been supplied to me that in some places in England instances were given, for example in Manchester, where application has been made to the Guardians for the relief of such a case and has been refused. I know of no such experience in Glasgow. I know of no parish council refusing to discharge its public obligation by relieving the parents of such a child.

21893. Of course you cannot answer for the other parishes in Scotland?—I do not know the practice of the other parishes in Scotland.

21894. In Glasgow, as far as you are aware, these cases are not refused?—They are not refused.

21895. There is one point of difference between the Larbert class of institution and the idiot asylum in England. The idiot asylum keeps them after eighteen, the Larbert asylum discharges at eighteen. Which is the sounder course?—I like both, but separately. I think it would be a pity for Larbert to lose its boarding-school character, if I may put it in that way, for imbecile children, by the accumulation of adult imbeciles, but I see no reason why a training school and an adult imbecile custodial institution should not be run under the same authority; with separate buildings, of course.

21896. Is there any objection to the present procedure of dealing with imbeciles as lunatics in Scotland and sending them to asylums or boarding them out or dealing with them in other ways?—I would prefer personally (it is perhaps only a little sentiment) to see the imbeciles kept together in an imbecile institution instead of being sent into the wards of asylums where there are chronic maniacal and epileptic persons. Frequently these adults are childish, tricky, and provoke the hostility sometimes, just as children do, of older people, and get into trouble. I do not think it is a very serious matter, but I am always sorry when I see adult imbeciles in the ordinary wards of the asylum.

21897. You prefer separate institutions for them?—I do, if it can be done, and provided there are a sufficient number.

21898. Or separate blocks in an asylum?—Yes.

21899. You would not separate, say, dements, and imbeciles who are degraded?—No.

21900. With regard to the mental wards of which you are in charge, what are the useful purposes of these?—I think the figures that I have submitted pretty well indicate the purposes that they serve. These wards serve —and were intended when they were established to serve— mainly the purpose of a curative establishment, not an asylum. It is a wrong thing to assume that we send people there because they are more amenable to management than in an asylum. The question always is, are they amenable to treatment, and if the patient is amenable to treatment we take the patient into our hospital without regard to the question whether they are difficult to manage or not. The result is that we can show that out of 936 cases which we have admitted in twenty months during which it has been in operation we have been able to send away cured and relieved 573, and we have only had to send something like 260 to asylums.

21901. That advantage of the mental wards is rather beyond the subject with which this Commission is concerned; that implies acuteness, does it not?—Yes.

21902. When we come to more chronic cases and the congenital cases—chronic defect—these wards serve a useful purpose, do they not?—They serve a useful purpose in a certain number of those congenital and feeble-minded cases; many of them present somewhat acute symptoms for a short time, say a mild maniacal outburst, and they can be quite well disposed of; otherwise they go to an asylum. The little excitement that brings them within our purview passes off in a week and then we can place them, board them out, or return them to relatives if the relatives desire to keep them at home, and in many ways perform a useful function even for people who are not up to the standard in mental condition.

21903. And they are useful in diagnosing too?—Yes; there are cases in which it is difficult to be sure that the patient is really insane and we take them there. Of course we have no power of compulsory detention.

21904. Do you ever feel the want of that power?—I do not know that we feel the want of it. I should not like to have it.

21905. They have been going for some years now and you do not find you want it?—In a great majority of the cases the people are willing to come.

21906. Regarding inebriates, in your experience how many of these are mentally defective?—My experience, I think I may venture to put it, coincides with that of those who have had larger experience than my own—my own has been considerable; I think Dr. Branthwaite's view, and I rather gather also your own view and others, is that looking back upon our experience in dealing with inebriates a very large percentage (I would not like to put a number upon it) are really defectives and neurotics and that the inebriety is more an incident of their mental life than the cause of their mental condition.

21907. Do you think the present Inebriate Acts meet the requirements of these mentally defective inebriates or not?—I do not think so at all.

21908. In what respects would you suggest amendments?—I should suggest—on the lines of a report I made to the Glasgow Corporation two years ago when I retired from the position of Convener of the Inebriates Committee—amendment in various directions. First of all I would suggest—and it has been embodied in a Bill—that persons who have not been convicted of offences before a police court, but who are habitual drunkards, should be dealt with compulsorily under due safeguards in a legal manner. I would also recommend that parish councils in Scotland (I do not speak for England) be made an authority under the Act, because our experience is that probably 70 per cent. of the people who turn up in the police courts as repeated offenders coming within the first schedule of the Act, are really people who are known to the parish authorities, who have already been a burden upon the rates, who are indeed a constant burden on the rates, or on the police rates, or who on account of their physical or mental condition require care such as the parish is best fitted to afford. These are the two main amendments that I suggest, but there are a number of subsidiary ones.

21909. Do you think that the three year limit of treatment is a sound thing? Do you think it is right to turn them out at the end of three years knowing they are so defective as not to be able to take care of themselves, and bound to go wrong immediately, or should they be subject to permanent detention?—I certainly think they should be subject to permanent detention or at least to some condition that would prevent their becoming again a trouble to the community as they usually do.

21910. What are your views as to the compulsory detention of inebriates of both the monied classes and

the pauper classes—non-police cases?—My view is that there are a large number of cases of people who take alcohol and who take drugs in various forms, who are habitual inebriates, whose habitual inebriety is of the nature of a mental obsession or disorder, and who ought to be placed under compulsory control for their own welfare and for the peace and welfare of the family and the community.

21911. You think that a husband or wife or child of an habitual inebriate should have power of obtaining that compulsory power?—Most assuredly.

21912. And in the same way an inspector of poor should have power of applying for and obtaining compulsory power over paupers?—Over habitual paupers who are also habitual inebriates; that is the suggestion I made in that report.

21913. And that is a most desirable alteration of the law at the present moment?—I think it is.

21914. Have you any views as to the licensing and inspection of all inebriate retreats where these people may be detained?—I am not aware that any question has arisen as to the efficiency of the present supervision of retreats.

21915. A great number are not licensed or inspected at all?—I see your point. There are a large number of places into which people go for a payment for the care and so-called cure of inebriety, and the keepers of these houses apply for a license and are not under official cognisance. I think that should be altered.

21916. You would not put a person under compulsory detention in any institution that was not duly, fully, and properly inspected?—I would not; with one possible exception; it is an idea of my own, and I do not know that it has the backing of public opinion, but I think there are many inebriates who go off into a bout of inebriety at comparatively long intervals, six or twelve months; the bout lasts only a few weeks; I would be very sorry to see such a person placed under care for months or years. I think it would be a very desirable thing if the medical man could in some way certify that that person requires care at the outset of such a bout, which comes on just like an epileptic attack, and put him under care for a period not exceeding four weeks. Probably four days would cut the whole thing sort, and the person would escape the recurrence of the attack, and I think each period of care would lessen the chance of occurrence. I am not clear that I would compel such people to be placed in licensed retreats, necessarily. They might be placed in nursing Homes and elsewhere, but they should be intimated, just as patients under the six months' lunacy certificate can be intimated, to the Commissioners.

21917. But the habitual chronic inebriate you think requires permanent detention?—Yes.

21918. The other class I want to ask about is the mentally defective prisoner. There are a considerable number of these in the country?—Yes.

21919. Have you any suggestion as to how these should be dealt with?—I think they fall under two categories; first of all an offender who is mentally defective, and in any proper view of the case really a lunatic, but who under the present interpretation of what insanity means is not recognised just now as a lunatic. I think those people ought to be cared for and ought to be certified and committed, but probably to a special institution under the care of the State.

21920. You think it would be an advantage from the local administration point of view that there should be an extension of the State asylums?—I think so, to deal with these cases. But then there is the other class to which I alluded, a class of offender who begins in adolescence, begins with small pilferings, gets into trouble and goes through the penal gamut from a few months' imprisonment up to penal servitude, and at forty years of age is found to be a chronic offender. I think when they are caught repeating offences after short sentences there ought to be an examination of such persons, and, if need be, a committal to an institution for the care of such—not an asylum, and not a prison.

21921. Something intermediate between them?—Yes, I should look upon all such people as mentally defective.

21922. The asylums, in the parish you know so much about, do not like to take cases out of prison and mix them with the non-prison population of Glasgow?—No, it is an undesirable addition.

21923. Locally it would be looked upon as an administrative advantage to have them put elsewhere?—It would be.

21924. (*Mr. Burden.*) I think I understood you to say just now that you think it would be advisable to place inebriates under permanent detention?—Some.

21925. Do you think the country would stand that?—I do not.

21926. Do you think it would meet your views if provision were made to recommit a person who had been in an inebriate reformatory on such person being found guilty of inebriety within twelve months of discharge from the inebriate reformatory?—That would meet my views if the country were satisfied.

21927. (*Mrs. Pinsent.*) I have been looking through this list of cases who have left the special classes. They seem to be very similar to the after-care lists of other towns. Can you tell me at all what percentage of these children you think become self-supporting? I see only about seven or eight are reported as wage-earners?—These two lists are taken from two schools in two different districts, and just used as typical of the rest. I have not supplied lists from the other schools; they are practically similar to what I daresay would be produced from the other schools; I do not think that the number of children who have passed through these special schools who will ultimately become self-supporting can be ever expected to be anything but a low percentage. I would not like to put a figure upon it, but I would be surprised if it reached 20 per cent.

21928. I think in that you agree with other people who have given us evidence before, but you would not say the sole end of a special class was to make people self-supporting? You would say, I suppose, that the training given is of very great value in other respects?—I have just tried to say that, in the earlier part of my examination.

21929. Have you any idea in your mind as to the means of getting these people transferred from the special class to labour colonies—those who are not going to be self-supporting or self-standing citizens?—Of course theoretically that is the proper thing. Personally I am always slow to recommend the multiplication of institutions. It will come to it, I daresay, that such colonies will be necessary, but I am not one who feels justified in being an enthusiastic advocate of the after-care colony for all the children who pass through these schools.

21930. May I put it in another way, whether you would consider it advisable that those among these children who are not going to be self-supporting or self-controlled should be boarded out on the Scotch system which other gentlemen have been explaining to us to-day?—Many of them would be very suitable for that. I should think 50 per cent. of them would be very suitable for boarding out.

21931. (*Mr. Greene.*) Does the School Board of Glasgow ascertain only the condition of mind of persons who are of the humbler classes, or do they take pains to ascertain from all classes whether they have imbeciles in the family?—They take pains to ascertain from all classes, but the provision made for the special education of defective children has up to this point been mainly for the humbler classes, and suggestions have been made that among the better classes (and by the better classes in Glasgow I understand people earning from £200 a year to £300, £400, or £500 a year) provision should be made for their children. The figures that are here given, that I submit in my statement, are taken from the School Board returns, and I daresay almost entirely, if not entirely, refer to children of the humbler classes.

21932. Has the education authority knowledge that in the class above what you call the humbler classes there are a good many children living at home with their parents who are feeble-minded?—They have that knowledge.

21933. Do they keep a record of them?—If I might refer you to my statement,* there is a quotation from the

* *Vide* page 61, col. 2.

*John Carswell, Esq., L.R.C.P.E., F.F.P.S.G., J.P.*

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last school attendance report of the School Board which shows that 96·7 per cent. of the school children of Glasgow of school age, are at school, leaving 3,297, or 3·3 per cent. unaccounted for. You will notice that they account for them thus—((*b*) infirm children, and (*d*) children being educated at home ; and I daresay under those two headings the defective children of better class parents are included.

21934. So that they have knowledge of them, but do not think it necessary to provide for them ?—They are not being specially provided for.

21935. Is there any provision you know of for establishments in which people place their feeble-minded and defective children of the well-to-do classes ?—The well-to-do classes find accommodation for their imbecile children at any rate in the Larbert Institution.

21936. Are there any private homes or private asylums or establishments in which the richer class of people keep their children ?—There are teachers and others throughout the country who provide Homes for such children.

21937. Are those Homes under any inspection ?—Not that I am aware of.

21938. Have you come across such Homes yourself ?—Yes.

21939. Have you found them satisfactory in all respects ?—Yes, so far as I can see—for only two or three children ; it is not an institution by any means, it is merely a family care.

21940. Are there any institutions, or any place, where they can keep more than five or six ?—No, not that I am aware of.

21941. Would you recommend inspection, or would it be possible to institute inspection for them if the Statute provided that they should be inspected ?—I would be reluctant to suggest that.

21942. You would let anybody start the care of feeble-minded persons without any sort of inspection or control, making it merely a matter of whether the parents or guardians or friends are satisfied with the treatment ?—I think the satisfaction of the parents would be quite sufficient.

21943. You do not think the State has got any interest in the unhappy defective, to watch over him ?—I think the State has no obligation to interfere so long as the parents are discharging their duties in a way that does not call for any public interference.

21944. But take the case of an adult ?—I am thinking of children ; my answers only referred to children.

21945. Do you know any establishment for adults who are feeble-minded ?—Unlicensed and not under inspection ?

21946. Yes ?—I know some people take in patients Dr. Macpherson, who was here to-day, could answer better than I can. I am speaking under correction, but I think there are people licensed under the Board of Lunacy to receive cases, boarded-out cases, not more than four ; but I understand in some of those cases they have perhaps one or two who are feeble-minded, who are not licensed. They are not under official cognizance or inspection.

21947. Do you think it would be possible or desirable that all persons who are maintained by another person for profit should be in some way protected, or have the arm of the law round them, by inspection or the licensing of the keeper of the place, or reports from time to time by the friends, or that in some way or another the existence and care of those persons should be made known to the State ?—The Scottish law provides that no person who is a lunatic shall be detained for profit.

21948. We are not dealing in this Commission with lunacy ?—I know ; but it all depends upon what the interpretation in the individual case is, of "lunatic." If you consider that this supposed person ought to be certified, then it is open to the Commissioners in Lunacy to call for the certification of that person ; but so long as the person is not certified and no question arises, I think it is a pity to interfere unnecessarily.

21949. Take the case of a person who, although a doctor might be reluctant to certify him, is yet practically unable to manage his affairs, is so weak in will and so defective in mind that he cannot really control himself or direct his expenditure properly. He is put by friends under the care of some person who has to keep him for profit. Ought not the State in some way to be able to protect that man ?—I think he ought to be under the protection of the State.

21950. Would you suggest that the keeper of an establishment receiving such a person should either have to take out a licence or that there should be inspection ?—I would be reluctant to say anything in answer to a general question on the basis of our actual experience. I think our actual experience does not call for such interference as the general question suggests.

21951. Have you ever heard whether in Scotland people of feeble mind are sufficiently protected from assault, or injury of any sort, or seduction, or any moral defilement, or how the law might be strengthened in their favour ?—I know of no facts which would call for any strengthening of the law in those cases.

21952. You hear of no feeble-minded women being taken advantage of and going into maternity wards ?—That is a different branch altogether. I do not think that the number of actually defective women who are victimised in the way suggested is, in Glasgow at any rate, very great. In view of coming here I made inquires at the maternity hospital and at our lock hospital, and we have matrons in both institutions, very experienced women, and the matron of the maternity hospital where they receive some 800 patients a year indicated her general opinion that not more than 2 per cent. of the women who came there would be classified as mentally defective, and in the case of the lock hospital the matron put it at something like 7 or 8 per cent.

21953. Then in point of fact, from whatever may be the cause, feeble-minded women are not placed at any very great disadvantage in Scotland, and you cannot suggest that they require any statutory protection ?—It is very difficult to suggest statutory protection ; there are a considerable number both of feeble-minded women, and women going about who ought to be under control, particularly in the relations indicated by your questions ; but it is exceedingly difficult to suggest a method of control short of certification as lunatics, or short of committal to an institution for feeble-minded people, such as has been suggested in the course of this inquiry, but how they would come within the scope of the machinery provided by law for their committal, unless they committed some offence, it is somewhat difficult to see.

21954. (*Mr. Byrne.*) Towards the end of your statement (*page* 64, *col.* 2) you say : "The hopes entertained of reforming young inebriates have been sadly disappointed by actual experience." I would like to ask some questions about that, because, as I understand it, that happens to be in direct contradiction to the view of our inspector under the Inebriates Act in England ?—I am not aware of that.

21955. I would like to have it cleared up a little. As I understand Dr. Branthwaite's report it was to the effect that if the administration of the Inebriates Act is to aim at reformation and not merely at keeping people out of mischief, the sooner they are committed to the three years term of reformatory treatment the better, because, as the figures show, the sooner you get them the better is the reformation, and the older you get them the more hopeless. If you take a woman who has been in and out of the police court, asylum, and prison, for ten or twenty years, nothing can reform her. If you get a woman of the same type at perhaps the fifth conviction, probably you can cure them ?—I differ from that, if that is what Dr. Branthwaite says ; but I do not understand Dr. Branthwaite to say that.

21956. If you think there is no difference between your views will you explain ?—I do not care to explain Dr. Branthwaite's views.

21957. May I put it in this way : Is your opinion here based on statistics of your own, or statistics published by any official, and if so, by whom ?—It is based upon my experience as Convener to the Inebriate Committee of the Glasgow Corporation, and upon my experience in certifying thousands of people insane.

21958. The inebriate experience of Glasgow is small, is it not ?—It is comparatively small, but I have wandered all over the country and have read all that has come my way on the subject, and I have come to the conclusion

that the adolescent—and what I am speaking of here is the emergence of mental defect and perversion in adolescence—a person who between fifteen and thirty becomes a habitual inebriate—has reached the stage by that time—is in the majority of cases an adolescent lunatic or the inebriate type.

21959. So that the inebriety is a mere symptom of a deep-seated mental defect ?—Yes.

21960. So there is no contradiction there ?—No.

21961. You would not contradict Dr. Branthwaite if you take it from me that he did say that in the reformable cases, that is to say, cases in which there is no latent defect, the sooner you take them the better ?—Clearly.

21962. There is no contradiction there ?—No.

21963. (*Dr. Dunlop.*) Does not Dr. Branthwaite's statement point to earliness in the course of inebriety rather than to a young age; you will agree with that ?—Yes.

21964. (*Mr. Byrne.*) You say in your statement that extended provision for the teaching of mentally defective children is necessary, and the results of teaching in the Glasgow special schools are satisfactory; do you think that still leaves a great gap, that is to know what to do with them after school age ?—That is a very difficult question.

21965. What do you recommend ?—I would recommend, to begin with, an extension of the period. They should be kept longer under tutelage.

21966. To eighteen, or so ?—Yes.

21967. Then should they go out as a matter of course, or should they go out under some supervision ?—I think the names and addresses of all such children should be communicated confidentially to the chief constable of the district, and to the inspector of poor of the district, so that, should they turn up subsequently, there will always be a register of persons which can be referred to—should they turn up either as paupers or offenders. I would also suggest that those who have not proper homes, and who cannot be properly cared for and are unable to earn their living, should be either certified insane and sent to asylums, or should be provided for in some institution suited to their requirements.

21968. And all this should be decided on the approach of the age when they are about to be released ?—Yes.

21969. They should not be simply sent out because they are eighteen, but they should all go out under certain directions or conditions ?—They should all go out under certain directions and conditions, and certainly a register should be kept by the two officials who are most likely to have their care in future should they turn up as delinquents in some form or other. I must also enter a proviso that I am very unwilling that any such provision should be so exclusive as to compel people to go into institutions if they can be provided for otherwise.

21970. If you thought there was anything like a fair chance of their being looked after decently in their own homes you would let them go until they did something to bring them into the hands of the State again ?—Yes.

21971. Then you would deal with them ?—Yes; or until their friends considered they ought to be under care.

21972. Could you give any idea of what proportion of the children discharged from the special schools might be expected to require detention, and what proportion might go home ?—I would not like to say that, especially in the view I have indicated, that the period should be extended. At eighteen years it is possible to decide the disposal of a person with very much more accuracy than with a boy of fourteen.

21973. Is it not possible to decide with perfect accuracy and certainty ?—Yes, I think so.

21974. It is not a question of deciding, it is a question of knowing ? The managers of the institution, guided by medical advice, must know everything that is required to form a judgment ?—At the age of eighteen.

21975. What proportion, roughly speaking, should you think required further detention in their own interest and the interest of the community ?—Do you mean institutional care ?

21976. I mean institutional care ?—Removal from home, and institutional care ?

21977. Yes. I do not mean to say asylum care—supervision you can call it ?—I would not like to put a figure upon it, I would be disappointed if it exceeded 50 per cent.

21978. You think it might approach 50 per cent. ?—It might. My experience is this, that if you provide such special institutions you will gradually educate the public into using them, and that very soon it would come as a matter of course that the bulk of them would come into such institutions.

21979. And that would be the inclination of the heads, the teachers and doctors of the special schools; they would think it a tragic thing that a child who had been much improved by institutional life should go out into the dangers of the world ?—Yes.

21980. That should be guarded against ?—That should be guarded against.

21981. Wherever you could you would give them a fair chance of earning their own living at home ?—I certainly would.

21982. (*Chairman.*) Is there anything you would like to add ?—Perhaps the only thing I would like to add is just in favour of the control of the "ins-and-outs." They are really mental defectives; they have not hitherto been considered lunatics who would be properly certified, but from any scientific point of view their psychology is certainly morbid, and I think they ought to be under control.

21983. Would you certify them ?—It all depends. If the legislature asked me to certify them as people who require care and treatment, just as I certify lunatics, I should be prepared to do so.

21984. (*Mr. Byrne.*) You would do the same for the "ins-and-outs" of prisons; whether you caught them in the workhouse, prison, or asylum, you would certify them ?—I would.

21985. It does not matter much what institution they are in ?—That is so. I am very strongly for an expert examination and report upon all cases of adolescent offenders. I think it is a pity to allow a lad to begin a course of crime and to find in ten or fifteen years that he is a chronic inmate of a penal prison when we have sufficient knowledge of the subject to know that these people can be prevented from running the course and can be controlled, guarded, and made tolerably happy under institutional care.

21986. (*Chairman.*) Have you any suggestion to make about the old people ? You say the number of aged people sent to asylums is increasing; some provision should be made for feeble-minded aged people, and, if possible, outside asylums. Where ?—Poorhouses and similar institutions. I have no great objection to philanthropic institutions. If they can be cared for and provided for in such institutions I think it is a pity to have them needlessly sent to asylums. In Glasgow I can give you the result for the last five years of the recurrence of insanity, at ages between fifteen and forty-five, and at ages after forty-five. During the last five years in Glasgow the first attacks of pauper insanity have averaged 8 per 10,000 of the population, leaving out those ages between fifteen and forty-five, but over forty-five and particularly in the later periods of life they have averaged 13·8 per 10,000 of the number of persons living. The tendency for the ages between fifteen and forty-five is to keep steadily the same; each year it runs 8·8, 7·1, 8·2, 7·9, an average of 8; whereas over forty-five and in the later periods it goes on fluctuating: 12·7, 13·3, 16·11 and 16·2 last year. Any increasing tendency to the production of insanity that exists in Glasgow, and I think the same is true of the whole country, is in that later period of life. I do not think there is any increase in the stable period of life between fifteen and forty-five, but in the later period of life there is a greater tendency to the increase of lunatics and feeble-minded people. That is not because more are being produced, but because advantage is being taken of institutions for care, and the commercial conditions, the conditions of the labour market, the restrictions upon the employment of people, workmen's compensation, and things of that sort, have restricted the field for the employment of people advanced in years of somewhat feeble intellect, and the tendency is to get them into institutions, and the handiest is the asylum.

R. D. CLARKSON, Esq., M.B., C.M., B.Sc., called; and Examined.

*A Plan of the Larbert Institution and a set of Application Forms, and Forms of Medical Certificate as used in the Private, Elected, and Pauper cases admitted to the Larbert Institution will be found in the Appendix Papers, pp. 330–330c, post.*

*R. D. Clarkson, Esq., M.B., C.M., B.Sc.*

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21987. (*Chairman.*) Would you kindly tell us how long you have been Medical Officer at Larbert?—Twelve years.

21988. Before that, had you any particular association with imbeciles or feeble-minded people?—No; as Medical Officer to the Imbecile Institution I have no definite charge of it. I am merely supposed to attend the people in the institution. I have a large general practice outside.

21989. You have been so kind as to give us a statement of your evidence; may we put that on our Notes?—Yes.

STATEMENT OF EVIDENCE PROPOSED TO BE GIVEN BY R. D. CLARKSON, ESQ., M.B., C.M., B.Sc., MEDICAL OFFICER OF THE SCOTTISH NATIONAL INSTITUTION FOR THE EDUCATION OF IMBECILE CHILDREN AT LARBERT, STIRLINGSHIRE.

The terms "idiot," "imbecile," and "feeble-minded" are in common use to indicate three degrees of intelligence from complete stupidity or *amentia* on the one hand to normal intelligence on the other. It is not possible to draw definite lines of distinction between the three groups, though well-marked examples of each are easy enough to recognise; and one has to distinguish some cases of the higher class from the normal simply by their inability to earn a living, in the struggle for existence, against the competition of their normal fellows. It is, however, of the utmost importance to determine the existence of feeble-mindedness long before there is any question of earning a living, and it is, I think, impossible to frame a definition for children that will not include, for some years at all events, those that are merely backward. From the point of view of administration and of public safety it is not important to recognise such cases before school age. For the first five years of life they are the natural care of their mothers, and it is not, perhaps, greatly to be regretted that a larger proportion of them die very young. Between the ages of five and seven it is easy, in most cases, for an experienced teacher to determine the existence of such a defect as renders a child incapable of benefiting like its fellows from her instruction. Whether such cases are due to permanent mental defect, or merely to late development, they require special schools or special classes in schools for their effective treatment. Mere backwardness slowly disappears as age advances, and by the time fourteen is reached such a child will be able, at the least, to pass the fourth standard. Those who reach this very modest level of intellectual attainment may as a rule be safely trusted to fend for themselves; but for those who do not, some supervision is required for the rest of their lives. The whole class then of defectives may be defined as those who are unable to pass the fourth standard at the age of fourteen, though special pains have been taken with their education. Some may nearly reach the standard, some will be very much below it, but all are persons of unsound mind, and for their own sakes, and for the benefit of the community, they should be prevented from assuming the *status* and duties of citizens.

If such a definition were accepted there would fall within it in the Burgh of Falkirk twenty-two persons. Twelve of these are females, ten males, and they are distributed throughout all ranks of society, as nearly as I can judge, in proportion to the numbers in each rank. Of the females seven are in the poorhouse, one in the asylum, and the rest live with their relatives. The majority of those in the poorhouse have come there by way of the streets, and several of them have borne illegitimate children, but not one of these children survives. Of those outside one lives with her mother and is known to have had two illegitimate children, and the other three are living with their parents, and are being looked after in a quite unsatisfactory, and indeed a dangerous, way.

The existence of these cases is perfectly well-known to the parochial authorities; but they are not interfered with unless dangerous or troublesome, and if they become destitute or are unable to work on account of motherhood they are associated with the dregs of the population in the poorhouse, in spite of the law which provides that no "person of unsound mind" shall be admitted to such a place.

Of the ten males the majority are partially supporting themselves by unskilled labour, but three are difficult to control, and lead idle, useless, vicious lives on the streets, where they pick up a livelihood by hawking matches, running messages, and the like.

Besides these adults there are ten children of school age. Two of these are in well-to-do families being quite satisfactorily taught at home, one is in the institution at Larbert, two go to a board school where they are allowed to sit with the crowd they know best and do nothing, while the remaining five are allowed to stay at home and do as they please. The school board ignores them, and as long as their parents can support them the parish council will have nothing to do with them. Two of them at least would be greatly benefited by education in a special institution.

I know also of several idiot or imbecile children below the age of five; but as I have already said, these are sufficiently provided for and require no special protection.

As Falkirk is a burgh with 32,000 inhabitants, and contains a mixed population fairly typical of the rest of the country, it is probable that there are between four and five thousand imbeciles in Scotland, and that two-thirds of these are at present not satisfactorily supervised and are a source of danger to themselves and of expense and degradation to the community.

The present provision for imbeciles in Scotland consists of special day-schools in Glasgow under the Glasgow School Board, of a special block for ineducable idiots in Woodilee Asylum under the Glasgow Parish Council, and of the institutions at Larbert and Baldovan.

Glasgow differs from the rest of the country, not only in having special schools, but in having a school board that recognises its responsibility for these children, and that makes every possible effort to have them educated either in the special schools or in the institutions. The school boards in the rest of the country ignore such children, and the attendance officers wink at their absence from school as soon as it has been shown that they are incapable of benefiting from the instruction given there. They may be allowed to attend to keep them out of their parents' way, as in the two cases that I know of in the Falkirk schools, but they are generally allowed to stay away on such occasions as the visit of an inspector.

As the parish councils also ignore the existence of such cases, unless they are very mischievous or troublesome, or so burdensome to the parents that they become chargeable to the rates, their detection and treatment is left to their parents, and these, as a rule, are poorly fitted for the task.

I have, unfortunately, no definite statistics to give, but in my experience of twelve years at Larbert I have come to the conclusion that the number of our cases, in which one or other parent is quite unfit, by reason of mental unsoundness, to have charge of or to bring up children, is very large. I am sure that the proportion of our cases, in which a family history of mental disease could be obtained, must be very nearly the 90 per cent. given by Dr. Tredgold.

From what I have just said it follows that the cases sent in to the special institutions in Scotland are not selected because of their fitness for education, but more frequently because of their unfitness, and that many of the cases that could be benefited greatly are kept at home under conditions that make any hope of improvement impossible.

Both the Scotch institutions began as charitable foundations; that at Baldovan in 1852 and that at Larbert in 1861. Both were and are supported by contributions from the charitable and by fees obtained from children of the wealthier classes or from parish councils. Together they can accommodate about 420 children. At Larbert the pupils are divided into two classes as to treatment, and into three classes as to the mode of their admission. About a fifth of our number are private pupils whose relatives pay for their board £40 to £100 per annum; about a fourth are elected by the subscribers who annually give about £2,000 for their support; and the rest are the cases sent in by parish councils, who have to pay £30 a year exclusive of clothing for each case. Many of the parents of the elected children

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contribute according to their ability towards the maintenance of their children, and the parish councils also in a good many cases recover part of the board paid from the parents. The pauper and election cases are drawn from very much the same ranks of society and are educated and accommodated together. The private pupils, of course, obtain benefits proportionate to the boards they pay.

It has been the custom to take in any child whose relatives could pay a good board, and any child sent in by a parish council. These cases are kept as long as the board is paid, or till the pupil is eighteen years of age. The elected children are admitted for a period of five years, and at the end of that time they are returned to their relatives, unless the directors consider them specially hopeful, in which case they may be recommended for a further period.

The private pupils and the election cases have to obtain a medical certificate that they are of unsound mind, and are likely to benefit from education in the institution. The pauper cases have to obtain two such certificates. No sheriff's warrant is required, but the application and the medical certificates have to be submitted to the General Board of Lunacy and their consent obtained before the child can be admitted.*

In the last twenty-five years, 1,297 children have been admitted to Larbert Institution in one or other of the three ways described, and at the beginning of the period there were 124 pupils in the house. Of these 325 died in the institution, 801 have been removed, and 295 are left as the present population. Of the 801 that have been discharged, only forty-two were, in the opinion of the superintendent, able, partially or wholly, to maintain themselves on dismissal, and we now know of only four that are certainly entirely maintaining themselves without supervision. Fourteen of the forty-two are employed in the institution, and as they make themselves very useful in looking after others, or working in the garden or stable, they certainly earn their keep and a small wage. It must be admitted, however, that outside of the institution it would be impossible for most of them to obtain employment. The rest of the forty-two are doing useful work for small wages, and so are partially maintaining themselves.

Of the rest of the discharges, 517 were handed over to relatives, 85 were boarded out under the supervision of the Commissioners in Lunacy, 123 were sent to asylums, 27 to lunatic wards of poorhouses, and 7 were transferred to institutions similar to that at Larbert. The unsatisfactory part of this return is the large number handed over to their parents to live henceforward without any other supervision. It is difficult to trace them, but we know that a good many are either dead or in asylums, and we know of three girls who have had illegitimate children. Sixty-five of the 517 were under the charge of parish councils during their stay in the institution, and were entrusted to their parents simply to save expense. Whether that object was attained may be doubted, for without adequate care some of the boys have doubtless drifted into the criminal classes, and some of the girls, besides those we know of, have been ruined, and come upon the streets.

It has been alleged that great expense may be incurred in supporting the offspring of such people, but I can only say that I do not at present know of a living child of an imbecile woman, and as I have had personal knowledge of at least a dozen such births there must be a very large mortality among the children.

In Scotland, apart from Glasgow, recognition of feeble-mindedness, and application for special teaching or care, is left entirely to the parents of the children. If the parents do not act, and if the child is not so mischievous as to be dangerous to others, or so helpless as to overburden its mother, and make her apply for relief from the rates, no steps are obliged to be taken for its education or subsequent care. In consequence of this the educational institutions are filled by large numbers of ineducable cases. These require only to be kept clean and warm and to be fed, and this could be done much more cheaply in some such additions to asylums as the Glasgow Parish Council have at present at Woodilee, or perhaps even better in one or two large establishments specially erected for the purpose. If this were done, there would be room in the present institutions for most of those capable of being educated, and requiring to be educated in boarding-schools. For the rest, special schools, or special classes in the schools of the towns would meet the case.

There remains the question of provision for those who, having passed through the special schools, are capable of doing a little work under supervision. For many of these the boarding-out system is admirable, and it might be extended with advantage. But after all that is possible has been done in this way, there will remain a considerable number of cases that can only be well treated in an industrial Home. As their work is of some value, the expense of such an arrangement should not be very great.

I would suggest that the detection of feeble-mindedness should not be left to the discretion of the parents, but should be a duty imposed on the educational authority. The great majority of the cases would then be detected in the infant rooms of our public schools. It is not possible in this way to detect defects in the children of well-to-do parents, who insist on having them educated at home; but in such cases little or no damage would be done. The children selected by the infant teachers as abnormally backward would have to be submitted to expert medical examination in order that, in the first instance, cases due to adenoids, deafness, myopia, &c., might be separated from those due to mental defect. If the educational authorities were raised to something like the *status* of the county councils, and if the area over which they ruled were greatly increased, there can be little doubt that they would appoint a medical expert to advise them as to medical matters in connection with their schools. Such a medical expert, it seems to me, should examine all doubtful cases in the first instance, and should certify those that are feeble-minded as requiring education in special day schools or boarding-schools, as the case might be. From the time a child was certified as requiring education in a special school it should be under the supervision of the Lunacy Commission. The boarding-schools are at present visited twice a year by one of the Medical Commissioners, and it is necessary that the home conditions of the children attending the day schools should be under the same supervision. It would be well to have the children attending the day schools certified in the same way as those at present boarded in the institutions. All the special schools should, of course, be subject to the inspection of the Education Department and should be capable of earning the special grant. If this grant were earned, and if the Government could allow each case, supported wholly or partially out of charitable funds, the sum of £10 8s. per annum, which is at present given to parish councils sending children to institutions, and if parents were made to contribute according to their ability, I think that, with the aid of the charitable public, sufficient funds would be got to provide every possible arrangement for educating all the educable cases in the country in a satisfactory way. The chief difficulty is to provide for the cases that after years of special tuition are still unfit to be trusted to work without supervision. For some of these industrial Homes are required, and the cost of establishing these would necessarily be considerable. It would appear desirable that they should be placed in the neighbourhood of the boarding-schools, and that, if they were not under the same management, at all events their staffs should co-operate in the endeavour to find healthful and remunerative occupation for this sadly afflicted class. A considerable number of these cases should be boarded out, and the arrangements both for these and for the cases in the industrial Homes, should be subject to the approval of the Lunacy Commissioners. All experience shows that in making arrangements for this helpless class it is desirable that the decisions of those who have to find the money should be reviewed by some authority, such as the Lunacy Commissioners, who can have no object in view but the welfare of the patients.

Finally, further provision requires to be made for the ineducables. As teaching is hopeless, cure cannot be expected, and restraint is needless, these cases can probably be more cheaply provided for in asylums of their own than in teaching institutions or asylums for the treatment of the insane; but as many of them are bedridden and dirty in their habits they require a great deal of nursing. Much of the rough work of such an institution could be done quite efficiently and very cheaply by imbeciles trained to it in the schools.

* Dr. Clarkson subsequently wrote that this sentence only applies to Pauper cases.

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If some such arrangements could be carried out, all the feeble-minded who require protection would be protected, and the expense to the commuity would probably not be much greater than it is at present.

21990. (*Mr. Byrne.*) You say: "I am sure that the proportion of our cases in which a family history of mental disease could be obtained must be very nearly the 90 per cent. given by Dr. Tredgold"; may we take that as based on very careful statistics which you have kept?—Unfortunately I have no statistics; it is merely an impression. I do not like to rely on impressions too much. In almost every case where I have been able to go thoroughly into the family history I have found a history of insanity or mental unsoundness of some sort—epilepsy, or something of that kind—in a direct line.

21991. Your institution, and the one at Baldovan, were started by philanthropy; I gather from what you say that, partly for that reason, they are not entirely satisfactory, you have to take some children whom you cannot benefit?—Exactly.

21992. Have you many absolute idiots?—A good many.

21993. Children who have to be washed, dressed, and nursed?—Washed, dressed, and nursed just as babies.

21994. What proportion of those have you?—10 to 15 per cent.

21995. A considerable proportion also who are very little better?—Yes.

21996. That must interfere a good deal with your teaching?—It interferes a good deal with it.

21997. Do you think that institutions of your type are good things, or would you prefer to have the idiots more separated?—I think the idiots should be separated from the educable cases. With regard to whether the institutions are good things or not, I doubt it very much, because we educate a considerable number of cases up to a point where they are useful, and they are taken out by their friends in order to be made use of, and then they get into bad habits, and they sink into the ranks of the criminal.

21998. If the education of defective children in classes were universal over Scotland, would it take many children from you, or wou'd you not require it for many children?—You mean if the Act of 1899 were made compulsory on all school boards; then I think there would still be need for us.

21999. How many and what proportion of your children would you have there? Supposing idiots were excluded and supposing those who ought to be in the special classes of the elementary school were excluded, would you have half your present numbers?—I think we would have half our present numbers probably.

22000. So that you think there would always be room, even if Scotland were adequately provided with institutions for the idiot and with institutions for the possibly backward and possibly defective children, for such institutions as yours?—Yes, especially in cases where the home conditions were unsatisfactory, and in cases in the country districts where you could not have special schools.

22001. In fact, if you were free from the idiots, you might act as a special school for a group of counties?—My suggestion was that the two schools together, Baldovan and Larbert, would provide sufficient boarding school accommodation for all the educable cases that require it in Scotland.

22002. For all those that require boarding school education?—Yes, that is if special day schools were provided for those that require that.

22003. On what theory do you state that?—There are no statistics that you can get at which are of any use on that point, and I have only a very little bit of actual knowledge, the actual knowledge of the Burgh of Falkirk, where I am in private practice, and by knowing all the medical men, and all the ministers, and all the school teachers, I have a fairly good idea of the number that are there, and of the home conditions under which they live. I think, taking that as a basis, that is about how it works out that, the institutions would provide sufficient boarding school accommodation for the country.

22004. That is taking about ten out of the thirty-two in Falkirk?—There are not ten who would require boarding school accommodation; it is only two or three, I think.

22005. Two or three of each class, I gather. However, it is only a small proportion?—Yes.

22006. Then to go to the other side of the defects which you regret in your present institution, namely that you cannot deal with them after a certain age: with what class of your children do you find that worst—not with the idiots?—The idiots do not matter; they are certified as lunatics, and sent to asylums as a rule if they are under the charge of parochial boards.

22007. You turn them out; they must go somewhere?—Unfortunately a good many are sent into the care of their parents and they only come under the charge of the parochial board if the parent becomes chargeable to the rates; finds the duty too great a burden.

22008. Having regard to your discharges over a course of years, do you think there are a good number of idiots living in homes in Scotland uncertified and unknown to the authorities?—I do not think there are many idiots uncertified and unknown to the authorities, but there are a good many imbeciles.

22009. Pretty low grade imbeciles?—Yes.

22010. Imbeciles who can work?—Yes.

22011. Do you consider that inexpedient?—Highly inexpedient.

22012. You think it ought not to be allowed to continue?—It ought not to be allowed to continue, I am sure. These children ought to be certified and known to the Commission in Lunacy, and their ultimate condition ought to be inspected by the Commissioners just as they inspect the boarded-out lunatics.

22013. At the present moment, when you are discharging children, what do you do?—If their parents have sent them in, we simply send for the parents and tell them that they must take them away, they are over age—that is, if the parents are paying for them. If they have been elected, then when the five years of their election period expires, their parents are sent for and told to take the children away. If they are sent in by the parish council, the inspector of poor is informed that so and so is over age and is uneducable, or suitable for boarding-out, and they must take him away.

22014. There is no duty on you to inquire what becomes of them afterwards?—There is no duty thrown on us.

22015. If an independent authority started such a place, would you recommend there should be such a duty?—It is expedient that these cases should be under control all their lives.

22016. They ought not to be discharged just because their time is up; they ought to be discharged under such conditions as their state requires?—Yes.

22017. (*Mrs. Pinsent.*) You suggest that the detection of feeble-mindedness should not be left to the discretion of the parents, but should be a duty imposed on the education authority. You would consider that the education authority has the best chance of finding out their defectiveness?—Of finding out their defectiveness and finding them out as early as treatment can be of any use.

22018. If there were special schools throughout Scotland and the attendance officers were working properly, you would feel tolerably certain that no defective would escape the education net?—I think not.

22019. Therefore a complete register of the names of all defectives would be kept throughout the country?—Except the well-to-do class, who do not generally send their children to Board Schools.

22020. After all, from the social point of view that does not matter?—That does not matter; they are always looked after.

22021. That would make any system of special registration by a medical officer useless; it would not be wanted if the education system worked properly?—School Boards would require a medical officer.

22022. Yes, but it need not be done in any way outside that?—No.

22023. I suppose you have the same system of attendance officers that we have ?—Exactly, I believe.

22024. They do not always work quite perfectly ?—They could be made to work quite perfectly. I think there would be no difficulty if the boards recognised that they were responsible for these children, and that they had to provide them with education somehow. The attendance officers would work all right.

22025. If the attendance officers realised that they had to give an account of every child, defective or otherwise, in their district, there would be no difficulty ?—There would be no difficulty; the whole of the imbecility would be taken in by them.

22026. And the education authority is eminently the authority to do that ?—That is my opinion.

22027. Because sooner or later all these children must come before them ?—Yes.

22028. That would necessitate the establishment of special classes throughout the whole country ?—Special classes would have to be established in all towns where there were more than 30,000 or 40,000 inhabitants.

22029. And they would act as a kind of sorting-house for these children ?—Yes; I do not think it is possible to discriminate between feeble-minded and backward and imbecile children at that early age.

22030. You refer to that in your first paragraph (*page* 70). I gather you think that even if a child who is merely dull and backward is placed in a class for the mentally defective for a time, it does that child good rather than harm ?—It does that child good, I think.

22031. You would feel there is no difficulty in that way at all ?—I do not think so.

22032. They would soon be found out by an experienced teacher ?—Experienced teachers would very soon detect them.

22033. And they would be taken off the register ?—Yes. I think a very large number of that backward class are really children who are living under hopelessly bad conditions at home. Therefore I think that all children who get into special classes should be notified to the Commissioners in Lunacy, and that the Deputy Commissioners should visit their home, and if the home conditions are not satisfactory, that the Deputy Commissioners should have power to advise their removal to a boarding school, or elsewhere.

22034. Or the teachers themselves might take the initiative and say: "this case is not a case for a special class, it ought to go to a boarding-school," and apply to the Commissioners ?—That would do.

22035. The teachers of special classes ?—Yes; the teachers of special classes sometimes do not inspect the home conditions, and I do not think they are quite such good people to inspect the home conditions as the Deputy Commissioners who have all these years experience of boarding out of persons of feeble intellect.

22036. It should be possible for the education authority, either through their visiting officer or through their teachers, to apply to some authority ?—Yes, and say they are not suitable for a special school but a boarding school, because the home conditions are undoing all the day school is doing.

22037. (*Dr. Dunlop.*) You have had dealings with a good many parish councils in Scotland ?—We have had them in from parish councils all over the country.

22038. Is it fair to state that Glasgow is more active and more thorough in dealing with the imbecile classes than any other parish ?—Yes, as far as my experience goes, much more.

22039. The evidence we have had regarding Glasgow cannot apply all over the country ?—It certainly does not apply.

22040. Definitely not ?—Definitely not.

22041. The cases in the Larbert Institution are not technically certified ?—That is so.

22042. They are not certified upon the statutory form ?—No.

22043. And there is no power of detention ?—There is no power of detention.

22044. Has it ever been missed ?—Never.

22045. It is not wanted ?—No, we have never needed it.

22046. You would advise no change in that respect ?—I do not think there is any need for any change.

22047. You are aware of the form of certificate under the Idiots Act in England ?—Yes.

22048. Is there such a thing wanted as that in Scotland ?—I do not think so.

22049. It would serve no useful purpose, would it ?—I do not think there would be any useful purpose served.

22050. Regarding results of treatment, I see you report that forty-two out of 801 are more or less useful, is that it ?—Yes.

22051. And out of forty-two, one-third, that is fourteen, get their employment in the institution itself ?—Yes.

22052. So that of the cases who are not cared for ultimately in the institution there are only twenty-eight out of 801 ?—That is so.

22053. It is not a very high percentage of success ?—I do not think it is a percentage of success at all.

22054. You cannot expect more success ?—I do not think you can expect more success.

22055. The practical conclusion of that is——?—That once an imbecile always an imbecile, and they require care all their lives.

22056. Do you think special schools will ever turn out a better result than that ?—So far as I know the special schools are educating the same class that we get in Larbert, mixed with a few backward children.

22057. But when once the defect is more or less decided ?—When there is mental defect they ought to be under care all their lives, and I do not think special schools will make any better result of it than we do.

22058. The special school may be useful for the training of the dull and backward, but whenever you get definite mental defect the success is practically an infinitesimal proportion ?—Yes.

22059. You are aware that special schools are very expensive institutions; it means thousands and thousands a year. Do you think they are worth it ?—I think that if they are used judiciously they are worth it; I think there are a great many cases that would be the better for passing through the special schools.

22060. The dull and backward ?—Yes.

22061. The class excluded by the Education Act ?—Exactly.

22062. For a genuine case of mental defect, is the amount of improvement they get worth the expense of thousands a year ? To put it in another way, would a system of day nurseries for these mentally defective classes, where they could be taken care of and kept clean in the day time, serve the same purpose ?—No. I think there is a considerable class of imbeciles who can be taught to do a certain amount of work, and who have great pleasure in doing it, and I think it is worth while educating them up to do it.

22063. Even at the cost of thousands and thousands ?—I do not think the cost is so very great.

22064. In London at present it is about £50,000 a year. Perhaps you had not considered it from that point of view ?—I had not considered it from that point of view.

22065. The result of the best training you can give is that the percentage of useful ones afterwards is extremely small ?—Yes.

22066. You talk in your Report of a Government grant of £10 8s. per annum; what do you refer to there ?—That is the grant the parishes get when a case is sent in through the parish council. An allowance of 4s. a week is made.

22067. Do you imply that they ought to get a grant from the Education Board in addition ?—Yes.

22068. That is two Government grants per child ?—Yes.

22069. If that were done it would naturally reduce the local expenditure ?—Of course it would reduce the local expenditure, but it would enable the charitable funds which we have at present to educate and care for a very much larger number of children.

**Questions 22070 to 22079.**



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22070. The practical point of that suggestion is that the education grant should be given for children in the institution ?—Should be given for the children in the institution. The institution should be under the inspection of the Board of Education.

22071. Are you anxious that that should be so ?—I think it is very necessary the school should be under the Board of Education.

22072. Do you think the training of imbeciles is an educational matter ? Is it not rather a thing for medical relief —I think it is an educational matter.

22073. You would like to have it under a double inspection ?—I think it would be worth while.

22074. And a double grant ?—Yes. Then a very large number of our cases are elected cases, and the elected cases are drawn from the same class of population as the pauper cases, and I think they should have the same grant of 4s. a week as the pauper cases.

22075. It would be really a financial advantage to come under the educational board ; that is the principal part of it from your point of view ?—It is one, but I think the school would be more effective, better organised, and better managed, if the Board of Education inspected it.

22076. How long do you keep your elected cases in the institution ?—Five years.

22077. Is that the average or the maximum ?—That is the maximum ; they may be elected for a further period, but only a small proportion is elected for that.

22078. Have you any opinion to offer as to the advantage of a philanthropic institution *versus* a parish one ?—No, I know philanthropic institutions which are very well run and very well managed, and I know parish institutions which are not. I do not think it matters in the least ; if you get a parish council which is intelligent and does its work, it is a good thing ; so is a board of directors who do the same. You sometimes get a parish council which is inefficient, and sometimes a board of directors which is inefficient.

22079. Do you think it is likely that philanthropic effort would meet the requirements of Scotland in that respect ? —I do not think so.

# FORTY-SIXTH DAY.

*Friday, 9th March,* 1906.

PRESENT.

The Right Hon. The EARL OF RADNOR (*in the Chair*).

W. P. BYRNE, Esq., C.B.
C. E. H. HOBHOUSE, Esq., M.P.
C. E. H. CHADWYCK-HEALEY, Esq., C.B., K.C.
The Rev. H. N. BURDEN.
W. H. DICKINSON, Esq., M.P.
H. B. DONKIN, Esq., M.D.
J. C. DUNLOP, Esq., M.D.

HARTLEY B. N. MOTHERSOLE, Esq., M.A., LL.M. (*Secretary*).
E. A. H. JAY, Esq., M.A., LL.B. (*Assistant Secretary*).

Sir GEORGE PLUNKETT O'FARRELL, M.A., M.D., called; and Examined.

*Sir George Plunkett O'Farrell, M.A., M.D.*

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22080. (*Chairman.*) In order that we may have it on the notes, would you tell us how long you have been Inspector of Lunatics and Lunatic Asylums in Ireland?—Since 1890.

22081. You have been so kind as to give us a statement of your evidence; may we put that on our notes?—Certainly.

STATEMENT OF THE EVIDENCE PROPOSED TO BE GIVEN BY SIR GEORGE PLUNKETT O'FARRELL, M.A., M.D., INSPECTOR OF LUNATICS AND LUNATIC ASYLUMS IN IRELAND.

## I. EVIDENCE RELATING TO LUNACY IN IRELAND.

A Statement of the Law relating to lunacy in Ireland has been furnished by my colleague, Dr. E. Maziere Courtenay, and myself. From this statement it will be seen that in Ireland, as in England, the institutions provided for the accommodation and treatment of the certified insane (exclusive of the criminal lunatics in Dundrum Asylum, which serves the same purpose as Broadmoor in England) are of three classes, viz.:—

(1.) Public (district) asylums, *i.e.*, those maintained partly out of the local rates and partly by a Government subsidy in the form of a capitation grant. Some of these asylums serve only one county or county borough, and others serve several of such areas. There are twenty-four of these asylums for twenty-three lunacy districts—the Metropolitan district, which includes three counties in addition to the Metropolis, having two asylums.

(2.) Private hospitals and institutions for the insane, which are partly supported by endowments or charitable contributions, the balance of the cost being defrayed out of the patients' own property or by their relatives. There are four of these institutions.

(3.) Licensed houses, *i.e.*, private asylums, kept for profit by the licensees, the total cost of maintenance therein being paid out of the patients' own property or by their relatives. There are twelve of these institutions.

In addition to these, a large number of persons who are classified as lunatics or idiots (approximately 3,300 at present) are kept in union workhouses.

Although special wards are set apart for the accommodation of the mentally affected inmates of workhouses, they are not certified as insane, but occupy in all legal respects the status of ordinary paupers.

The procedure for admission to public asylums in Ireland, however, differs altogether from that in England, as the initiative does not rest in Ireland with the local Poor Law authorities, save as regards cases actually in union workhouses.

The necessary action must be taken by a relative or friend of the lunatic, and, as this involves the payment of a fee to the certifying medical practitioner, it presents a serious bar, in the majority of cases, owing to the poverty of the parties concerned.

In consequence of this, recourse is had to the quasi-criminal procedure of swearing informations and taking the lunatic before two magistrates, with the view of obtaining an order committing him or her to the asylum as a "dangerous lunatic," under the Act 30 and 31 Vic. cap. 118, Section 10. Under this procedure the magistrates call in the dispensary medical officer of the district for the necessary certification, and his fee is paid out of the local rates, the actual conveyance of the lunatic to the asylum being carried out by the police, thus relieving the relatives of all expense.

The result is that the Act quoted, which was only intended to apply to a very limited class of dangerous cases, is utilised in the great majority of cases, *e.g.*, in the year 1904, of 3,910 admissions, no less than 2,396 were committed as "dangerous lunatics" under the Act mentioned.

The ordinary admission form, which was intended to be used generally but has been supplanted by the Dangerous Lunatic Warrant, is not specifically prescribed by any Act, but by regulations framed under the Acts 1 and 2 George IV., cap. 33, Section 5, and 61 and 62 Vic. cap. 37, Section 9 (6); and, as these regulations can be varied from time to time, the form at present in use corresponds generally with that used in England, and is practically in accordance with modern ideas. On the other hand, the form of admission to private asylums was specifically laid down in the Act of 1842, and as this still remains the principal Act dealing with private asylums, the form is not such as would nowadays be considered sufficiently ample.

For instance, it merely requires two certificates that the person is insane and a proper person to be confined, and lacks the very essential provision for a statement of the facts indicating insanity actually observed by the certifying medical practitioners.

On the 1st January, 1905, the total number of the insane in Ireland, of which we had official cognisance, was 22,996.

The following Table shows the numbers resident in the different classes of institutions on the 31st December of each year since 1880:—

## TABLE A.

### SHOWING THE NUMBER AND DISTRIBUTION OF LUNATICS UNDER CARE IN IRELAND ON THE 31ST DECEMBER OF EACH YEAR FROM 1880 TO 1904.

| Years. | District Asylums. | | | Central Criminal Lunatic Asylum, Dundrum. | | | Private Asylums and Institutions for the Insane.* | | | Workhouses.† | | | Prisons. | | | Single Chancery Patients in Unlicensed Private Houses.‡ | | | Total.* | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | M. | F. | T. | M. | F. | T. | M. | F. | T. | M. | F. | T. | M. | F. | T. | M. | F. | T. | M. | F. | T. |
| 1880 - - - | 4,685 | 3,982 | 8,667 | 140 | 37 | 177 | 236 | 386 | 622 | 1,414 | 2,099 | 3,513 | 2 | 1 | 3 | — | — | — | 6,477 | 6,505 | 12,982 |
| 1881 - - - | 4,860 | 4,118 | 8,978 | 144 | 29 | 173 | 238 | 397 | 635 | 1,380 | 2,160 | 3,540 | — | — | — | — | — | — | 6,622 | 6,704 | 13,326 |
| 1882 - - - | 5,022 | 4,249 | 9,271 | 144 | 29 | 173 | 254 | 396 | 650 | 1,390 | 2,220 | 3,610 | — | — | — | — | — | — | 6,810 | 6,894 | 13,704 |
| 1883 - - - | 5,196 | 4,346 | 9,542 | 139 | 33 | 172 | 247 | 389 | 636 | 1,428 | 2,203 | 3,631 | — | — | — | — | — | — | 7,010 | 6,971 | 13,981 |
| 1884 - - - | 5,322 | 4,365 | 9,687 | 146 | 32 | 178 | 244 | 395 | 639 | 1,457 | 2,216 | 3,673 | 1 | — | 1 | — | — | — | 7,170 | 7,008 | 14,178 |
| 1885 - - - | 5,402 | 4,470 | 9,872 | 144 | 29 | 173 | 243 | 389 | 632 | 1,438 | 2,192 | 3,630 | — | — | — | — | — | — | 7,227 | 7,080 | 14,307 |
| 1886 - - - | 5,493 | 4,584 | 10,077 | 139 | 33 | 172 | 233 | 369 | 602 | 1,471 | 2,267 | 3,738 | 1 | — | 1 | — | — | — | 7,337 | 7,253 | 14,590 |
| 1887 - - - | 5,734 | 4,765 | 10,499 | 140 | 29 | 169 | 239 | 386 | 625 | 1,501 | 2,352 | 3,853 | 1 | — | 1 | — | — | — | 7,615 | 7,532 | 15,147 |
| 1888 - - - | 5,888 | 4,937 | 10,825 | 140 | 28 | 168 | 240 | 361 | 601 | 1,583 | 2,374 | 3,957 | — | — | — | — | — | — | 7,851 | 7,700 | 15,551 |
| 1889 - - - | 6,037 | 5,143 | 11,180 | 146 | 30 | 176 | 259 | 372 | 631 | 1,600 | 2,438 | 4,038 | 1 | — | 1 | — | — | — | 8,043 | 7,983 | 16,026 |
| 1890 - - - | 6,194 | 5,294 | 11,488 | 150 | 29 | 179 | 253 | 368 | 621 | 1,566 | 2,395 | 3,961 | 2 | — | 2 | — | — | — | 8,165 | 8,086 | 16,251 |
| 1891 - - - | 6,359 | 5,374 | 11,733 | 124 | 19 | 143 | 266 | 366 | 632 | 1,656 | 2,524 | 4,180 | — | — | — | — | — | — | 8,405 | 8,283 | 16,688 |
| 1892 - - - | 6,601 | 5,532 | 12,133 | 128 | 21 | 149 | 275 | 369 | 644 | 1,701 | 2,497 | 4,198 | — | — | — | — | — | — | 8,705 | 8,419 | 17,124 |
| 1893 - - - | 6,818 | 5,616 | 12,434 | 130 | 26 | 156 | 281 | 361 | 642 | 1,718 | 2,326 | 4,044 | — | — | — | — | — | — | 8,947 | 8,329 | 17,276 |
| 1894 - - - | 7,002 | 5,769 | 12,771 | 140 | 21 | 161 | 293 | 353 | 646 | 1,686 | 2,390 | 4,076 | — | 1 | 1 | — | — | — | 9,121 | 8,534 | 17,655 |
| 1895 - - - | 7,287 | 6,045 | 13,332 | 140 | 23 | 163 | 305 | 358 | 663 | 1,724 | 2,388 | 4,112 | 1 | — | 1 | 47 | 39 | 86 | 9,504 | 8,853 | 18,357 |
| 1896 - - - | 7,680 | 6,361 | 14,041 | 145 | 20 | 165 | 318 | 358 | 676 | 1,636 | 2,356 | 3,992 | — | — | — | 45 | 47 | 92 | 9,824 | 9,142 | 18,966 |
| 1897 - - - | 7,945 | 6,653 | 14,598 | 150 | 20 | 170 | 325 | 366 | 691 | 1,657 | 2,373 | 4,030 | 1 | 2 | 3 | 49 | 49 | 98 | 10,127 | 9,463 | 19,590 |
| 1898 - - - | 8,323 | 6,966 | 15,289 | 148 | 21 | 169 | 327 | 387 | 714 | 1,674 | 2,365 | 4,039 | 2 | — | 2 | 48 | 43 | 91 | 10,522 | 9,782 | 20,304 |
| 1899 - - - | 8,607 | 7,302 | 15,909 | 141 | 21 | 162 | 318 | 381 | 699 | 1,634 | 2,355 | 3,989 | 1 | — | 1 | 55 | 48 | 103 | 10,756 | 10,107 | 20,863 |
| 1900 - - - | 8,912 | 7,492 | 16,404 | 140 | 22 | 162 | 325 | 384 | 709 | 1,590 | 2,215 | 3,805 | — | — | — | 47 | 42 | 89 | 11,014 | 10,155 | 21,169 |
| 1901 - - - | 9,133 | 7,747 | 16,880 | 146 | 24 | 170 | 323 | 409 | 732 | 1,560 | 2,186 | 3,746 | — | — | — | 55 | 47 | 102 | 11,217 | 10,413 | 21,630 |
| 1902 - - - | 9,508 | 8,072 | 17,580 | 149 | 20 | 169 | 335 | 410 | 745 | 1,458 | 2,081 | 3,539 | — | — | — | 53 | 52 | 105 | 11,503 | 10,635 | 22,138 |
| 1903 - - - | 9,791 | 8,303 | 18,094 | 133 | 20 | 153 | 341 | 432 | 773 | 1,479 | 2,181 | 3,660 | — | — | — | 59 | 55 | 114 | 11,803 | 10,991 | 22,794 |
| 1904 - - - | 10,089 | 8,526 | 18,615 | 139 | 20 | 159 | 351 | 443 | 794 | 1,267 | 2,053 | 3,320 | — | — | — | 54 | 54 | 108 | 11,900 | 11,096 | 22,996 |

* Exclusive of a gradually diminishing number of "Government Patients" located in the Stewart Institution.
† The numbers under this heading are exclusive of certain patients located (under sec. 9 of 38 & 39 Vic. c. 67) in Workhouses, but who belong to and are included in the population of the District Asylums.
‡ These cases were not included prior to 1895.

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This Table shows that the insane under care have increased from 12,982 at the end of 1880 to 22,996 at the end of 1904—an increase equivalent to over 77 per cent. in twenty-four years.

Unfortunately, the population of the country has been steadily diminishing during all that time, so that the ratio of the insane to the general population has been increasing in a twofold degree.

The following Table shows the proportion of the insane *under care* per 100,000 of the population *estimated* to the middle of each year from 1880 to 1904:—

TABLE B.

| Years. | Estimated Population. | Number of Lunatics under care. | Proportion per 100,000 of Estimated Population. |
|---|---|---|---|
| 1880 | 5,202,648 | 12,982 | 250 |
| 1881 | 5,145,770 | 13,326 | 259 |
| 1882 | 5,101,018 | 13,704 | 269 |
| 1883 | 5,023,811 | 13,981 | 278 |
| 1884 | 4,974,561 | 14,178 | 285 |
| 1885 | 4,938,588 | 14,307 | 290 |
| 1886 | 4,905,895 | 14,590 | 297 |
| 1887 | 4,857,119 | 15,147 | 312 |
| 1888 | 4,801,312 | 15,551 | 324 |
| 1889 | 4,757,385 | 16,026 | 337 |
| 1890 | 4,717,959 | 16,251 | 344 |
| 1891 | 4,680,376 | 16,688 | 357 |
| 1892 | 4,633,808 | 17,124 | 370 |
| 1893 | 4,607,462 | 17,276 | 375 |
| 1894 | 4,589,260 | 17,655 | 385 |
| 1895 | 4,559,936 | 18,357 | 403 |
| 1896 | 4,542,061 | 18,966 | 418 |
| 1897 | 4,529,917 | 19,590 | 432 |
| 1898 | 4,518,478 | 20,304 | 449 |
| 1899 | 4,502,401 | 20,863 | 463 |
| 1900 | 4,468,501 | 21,169 | 474 |
| 1901 | 4,445,630 | 21,630 | 487 |
| 1902 | 4,432,274 | 22,138 | 499 |
| 1903 | 4,413,658 | 22,794 | 516 |
| 1904 | 4,402,182 | 22,996 | 522 |

From this Table it will be seen that the number of the insane under care has increased from 250 per 100,000 of the population in 1880 to 522 per 100,000 in 1904.

If to the number of the insane under care on the 31st December last be added the number of lunatics and idiots at large, according to the last census, the total (26,864) represents 610 per 100,000 of the population.

As regards the increase of freshly occurring insanity in Ireland, however, it is right to note that, during the last few years, at least, the number of first admissions shows no tendency to increase.

On the 31st December, 1904, there were in all the Irish asylums 1,120 cases (621 males and 499 females) suffering from epilepsy, and 114 cases (105 males and 9 females) suffering from general paralysis of the insane. These two classes are much less numerous in Irish than in English asylums, as the following comparative Table shows:—

TABLE C.

| Yearly average of the total number of patients admitted to English Asylums during the five years (*) 1899–1903, inclusive. | | | Of the total number of patients admitted to English Asylums during the five years (*) 1899–1903. | | | | | | Proportion (per cent.) to the total of the yearly average number of patients admitted to English Asylums during the five years (*) 1899–1903. | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | Yearly average of the number of Epileptics. | | | Yearly average of the number of General Paralytics. | | | Epileptics. | | | General Paralytics. | | |
| M. | F. | T. | M. | F. | T. | M. | F. | T. | M. | F. | T. | M. | F. | T. |
| 10,160 | 10,574 | 20,734 | 920 | 671 | 1,591 | 1,104 | 228 | 1,332 | 9·1 | 6·3 | 7·7 | 10·9 | 2·2 | 6·4 |
| | | Similar | particulars regarding Irish asylums for the year 1904. | | | | | | | | | | | |
| 2,230 | 1,925 | 4,155 | 99 | 67 | 166 | 56 | 2 | 58 | 4·4 | 3·5 | 4·0 | 2·5 | 0·1 | 1·4 |

(*) The figures in the case of the Irish asylums are given for the one year (1904), and *not* the average of five years.

As above shown the proportion of epileptics in English asylums is almost double the proportion in the Irish asylums, while the proportion of cases of general paralysis of the insane is over 4½ times as great in the English as in the Irish asylums.

The following statement, taken from the general report of the Commissioners for the census of 1901, shows the number of lunatics and idiots in Ireland in 1851, 1861, 1871, 1881, 1891, and 1901, at large, in asylums, in prisons, and in workhouses, as returned in the census forms:—

TABLE D.

| Years. | Lunatics. | | | | | Idiots. | | | | | Total Lunatics and Idiots. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | At large. | In Asylums. | In Prisons. | In Workhouses. | Total. | At large. | In Asylums. | In Prisons. | In Workhouses. | Total. | |
| 1851 - - | 1,073 | 3,234 | 273 | 494 | 5,074 | 3,562 | 202 | 13 | 1,129 | 4,906 | 9,980 |
| 1861 - - | 1,602 | 4,613 | 273 | 577 | 7,065 | 5,675 | 403 | 21 | 934 | 7,033 | 14,098 |
| 1871 - - | 1,343 | 7,141 | 5 | 1,274 | 9,763 | 5,147 | 410 | 2 | 1,183 | 6,742 | 16,505 |
| 1881 - - | 943 | 7,547 | – | 1,284 | 9,774 | 4,548 | 1,896 | – | 2,195 | 8,639 | 18,413 |
| 1891 - - | 893 | 11,265 | – | 2,787 | 14,945 | 4,077 | 996 | – | 1,170 | 6,243 | 21,188 |
| 1901 - - | 596 | 16,587 | – | 2,651 | 19,834 | 3,272 | 763 | – | 1,181 | 5,216 | 25,050 |

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As above shown, according to the last census the number of idiots in Ireland, which may be taken approximately as including many imbeciles and feeble-minded persons, was 5,216, viz., 1,181 in workhouses, 763 in asylums, and 3,272 at large.

The condition of the idiots and imbeciles in workhouses is, with few exceptions, deplorable, and this part of the question will be dealt with by my colleague, Dr. Courtenay.

As regards those in asylums, however, while there can be no doubt that the condition of the younger inmates might be greatly improved, if they could be sent to institutions specially adapted for their training and education, it must be admitted that, in the great majority of asylums, every effort is now made by the medical superintendents to afford the younger imbeciles such means of improvement as the institutions permit. There has, on the whole, been a marked improvement in this respect since 1890. The following extract from our report on the first visit which we paid to Belfast workhouse, exemplifies the way in which imbecile children were formerly treated :—

"An epileptic child—C. C., æt. 8—with congenital weakness of one side, although she could walk well, was for a great part of each day in bed because she was troublesome and destructive, and has never been in the open air since May, 1886.

"Many epileptics appeared to be kept in bed because they suffered from frequent fits.

"We may here remark that the bedsteads in use for epileptics appeared too high, and unsuitable for the treatment of such cases.

"Mechanical restraint would appear to be made use of indiscriminately, in many instances without sufficient reason for its use, and for periods of time beyond what was required.

"We saw a small child—C.M.—with arms constantly tied because she attempted to bite and scratch those about her. This child was also without shoes and stockings."

These children were afterwards transferred to the district asylum, with what result the following extract from a subsequent report on the inspection of the workhouse will show :—

"The little girl, C. M., mentioned in our previous report, whose arms were constantly tied because she at times attempted to bite and scratch those about her, has been an inmate of the Belfast lunatic asylum since December last, and I was informed that it was found practicable to dispense with restraint even previous to her transfer from the workhouse, and since her admission into the asylum the only treatment found necessary to restrain her occasional dangerous propensities is to give her apples to eat. Similarly I found the epileptic child, C.C., also mentioned as having been kept almost continuously in bed for six years for, in our opinion, no sufficient reason, was now running about among the patients."

The following particulars of idiots and imbeciles who were transferred from a workhouse to one of the large district asylums will show the improvement which can be effected by better care and nursing, even in institutions which are otherwise very ill-adapted for the detention and treatment of such cases :—

ASYLUM CASE-BOOK NOTES.

"A. McD. (imbecile) age 25, Admitted 1-2-1898, in a strait jacket. Duration of attack, three weeks. Medical certificate states that she refused to take her food, threatened to strike, stripped off her clothes, beat the attendants and other patients.

"1-2-98. Dull, stupid, disinclined to talk, looks about in a vacant way, takes food fairly well.

"3-2-98. Takes food well, not speaking or answering questions.

"4-2-98. To-day employed at needlework, and taking food well (three days after admission).

"1906. The patient works well. Is a happy, restless person with no impulsive symptoms whatever."

"A. McA. (imbecile), age 22. Admitted 5-7-1898 in a strait jacket. Duration of attack one week. Medical certificate states—strikes attendants, spits at attendants, tears her clothing, and screams. Uses filthy language. Refuses to wear her clothing, and strikes other patients.

"6-7-1898. As patient was brought here in a strait jacket, one must naturally conclude that she has recently been excited and violent. Since admission here, however, she has been fairly quiet. She sits by herself, occasionally she starts laughing very loudly; when questioned she makes long rambling statements having no obvious relation to the questions asked.

1906. The patient has never caused any trouble since admission, with the exception of attacks of bad temper, she works, is quiet, and happy. Very fond of reading. Her sister is also a patient here.

"M.P. (idiot), age 20. Admitted 25-1-1901. Duration of attack two days. Medical certificate states singing and throwing stones around her. Shouting a good deal. Talks nonsense. Tried to strike other patients. Nurse reports her noisy, singing, clapping her hands, struck at attendants. 1906.—The patient, since admission, has always been a quiet little person, who dresses herself well; clean in habits, so much so that she looks after the cleanliness of other patients, taking them to the lavatory when she thinks it necessary. She feeds other helpless patients with a spoon. Never struck any one. Never noisy, and yet can't utter any distinctly formed words other than 'Belfast,' 'Baby,' 'Yes,' and 'No.'

"L.C. (idiot), age five. Admitted 28-8-1902. Duration of insanity, three months. Medical certificate states patient is continually muttering and singing. Is very noisy and filthy in her habits, attempting to bite the attendants. Spits continually. Speaks only incoherently Nurse states that patient has repeatedly bitten other patients. Is very filthy in her habits. Is violent and cannot be controlled. 1906.—This patient is a happy and cheerful child, who runs about laughing everywhere. Cannot speak at all, further than 'Tommy,' and 'Money.' Is not clean in habits, but has never attempted to bite any one or ever caused the slightest trouble."

Although we have no official knowledge of the cases (numbering 3,272) which are shown by the last census as being at large, we fear that the condition of many of them is certainly no better than that of their fellow sufferers in the workhouses.

In addition to these, there is one particular class well known in Irish workhouses, which I may specially mention. I refer to those women amongst the wastrels and ne'er-do-wells, who, through mental defect, are easily misled, and who spend their time in and out of workhouses, giving birth to illegitimate children, and thus perpetuating the social canker. I think that some legal means should be devised by which such women—on being proved mentally defective, although not certifiably insane—should be placed in institutions where they could no longer be the means of swelling the ranks of the submerged tenth.

In our Annual Parliamentary Reports we have frequently called attention to the great want of institutions for the training and education of imbecile children.

In the first report which we made after our appointment in 1890, we stated as follows—

"*Idiot and Imbecile Children.*—One of the greatest requirements in connection with lunacy in Ireland is the establishment of a national institution for the training and education of idiots and imbeciles, such as are the Larbert and Baldovin institutions in Scotland, and the Royal Albert and Earlswood Asylums in England. We may estimate roughly that there are not less than 3,000 idiots and imbeciles in Ireland, of whom probably 500 are under fifteen years of age, and at least half of these would be improvable, and derive benefit from the special training in idiot schools; but, apart altogether from improvement by training (as pointed out in the case of Scotland in one of the early Scotch reports), there is a great want in Ireland of an establishment especially adapted for the reception of young idiots, where they would be removed from the neglect and cruel usage they so frequently experience at home, or from the contaminating influence of association with the adult lunatics in asylums, or the pauper inmates of workhouses.

"The existing lunacy laws were not made for imbeciles, and we find in Ireland no less than 418 of this unhappy class occupying in district asylums accommodation properly intended for different forms of insanity, mimicking the shameless indecencies which are brought before their eyes, their moral degradation completing their mental deficiency; while no less than 1,888 are scattered over the workhouses, where the provision made for them

is often inadequate, where their very presence exercises a painful and demoralising influence on the other inmates, and where in some cases (as pointed out in our reports on particular institutions) they live in mechanical restraint to prevent their mischievous and destructive habits. The great majority, however, remain as hopeless wanderers, exposed to want and suffering, residing in homes where they can only in rare instances obtain the treatment suitable to their condition, while often they are grossly neglected. A case recently came to our knowledge where a poor woman, residing in one of the thoroughfares of Dublin, and occupied at work during the day, having an imbecile child and no means of caring for him, has been obliged to chain him to her bedstead while she is absent at her daily work.

"So long ago as 1851 the Census Commissioners addressed the Irish Government in these terms:—

"'We respectfully suggest to Your Excellency the propriety of taking some steps towards the education and moral improvement of idiots and imbeciles, a subject which at present engages the attention of the philanthropic both in England and on the Continent, where several establishments for the purpose have been erected, and are supported by the State, and in which the susceptibility of this class to a certain amount of education has been demonstrated.'

"A generation has passed away since then (we are quoting the words of a most philanthropic Irishman, the late Lord O'Hagan), and the great work of charity which was urged by the Commissioners has gone on successfully abroad, so that admirable institutions have long existed in Belgium and elsewhere, as well as in Scotland and England, redeeming unhappy children from darkness and misery, and restoring them in numbers to comparative intelligence, and the power of at least assisting by their labours in the business of life; but Ireland has had almost no share in this happy progress.

"It is true that Section 4 of 41 & 42 Vic., cap. 60, enables the Guardians of any Union to provide, at a cost to the rates of not more than 5s. per week, for the reception of pauper idiots in suitable institutions; but, with the exception of Dr. Stewart's establishment near Lucan, in which a few imbeciles are maintained by private charity, no such institutions have ever existed in this country."

Owing to the comparative absence of wealth in Ireland, the resources of private benevolence are very limited, while, having regard to the poverty of the country as a whole, and to the fact that many of the ratepayers are themselves steeped in poverty, and already heavily burdened with lunacy charges, they cannot justly be expected to bear any further heavy impost for founding or supporting institutions for the training of imbeciles and feeble-minded persons. It appears to me, therefore, speaking as a private individual, that the only remedy is for the Imperial Government to come to the assistance of a sadly afflicted class, by providing and largely maintaining, say, one institution in each of the four provinces for the training and education of the feeble-minded and imbecile classes, and a central colony for the whole of Ireland for epileptics.

I submit that Ireland has in this connection a special claim on the Irish Church Surplus, and, if that surplus be now exhausted, then—having regard to the terms of the Irish Church Act, 1869, and the promises given at the time of its passing—provision for the relief of the afflicted classes referred to should be largely made out of Imperial funds.

Mr. Gladstone stated that it was written in the Church Bill "in letters of iron" that the Irish Church Surplus (1st) should be devoted exclusively to Irish purposes, (2nd) that these purposes were the relief of unavoidable calamity and suffering.

Mr. John Bright, in a historic spech on the second reading of the Bill, expressed this resolution so eloquently that his words deserve recall. He said:—"As to the uses to which these endowments are put. If I were particular on the point as to the sacred nature of the endowments, I should even then be satisfied with the propositions in this Bill—for, after all, I hope it is not far from Christianity to charity; and we know that the Divine Founder of our faith has left much more of the doings of a compassionate and loving heart than He has of dogma. I am not able to give the chapter, or the verse, the page or the column; but what has always struck me most in reading the narrative of the Gospel is how much of kindness and how much of compassion there was, and how much also there was of dealing kindly with all that were sick, with all that were suffering. Do you think it will be a misappropriation of the surplus funds of this great Establishment to apply them to some objects such as those described in the Bill? Do you not think that from the charitable dealing with these matters even a sweeter incense may arise. . . . We can do but little, it is true. We cannot relume the extinguished lamp of reason. We cannot make the deaf to hear. We cannot make the dumb to speak. It is not given to us—

'From the thick film to purge the visual ray
And on the sightless eyeballs pour the day.'

"But at least we can lessen the load of affliction and we can make life more tolerable to vast numbers who suffer."

When the Bill was going through Committee, the actual appropriation of the surplus among specified charities was omitted, but Mr. Gladstone stated that the Government bound themselves "to the principles on which the available residue would be administered." This clear declaration of intention ran through the debates, and it is embodied in the 68th Section of the Act, which runs as follows:—

"SURPLUS.

"68.—And whereas it is further expedient that the proceeds of the said property should be appropriated mainly to the relief of unavoidable calamity and suffering, yet not so as to cancel or impair the obligations now attached to property under the Acts for the relief of the poor: Be it further enacted, that the said proceeds shall be so applied *accordingly* in the manner Parliament shall hereafter direct."

Millions of the Irish Church Surplus have been distributed since the passing of the Act; but, so far, none of the surplus has gone to the relief of lunatics or idiots or the other charities to which it was consecrated; and it is difficult for one who is not a lawyer to trace the connection between "the relief of unavoidable calamity and suffering," and the grant, for instance, to the National Teachers' Pension Fund of £1,300,000; to Intermediate Education of £1,000,000; to the Department of Agriculture and Technical Instruction of £70,000 a year for fifteen years; or to the Professorial Endowment of the Royal University of £20,000 a year.

It is equally difficult to reconcile the principles on which the Bill was recommended to Parliament with the fact that by Section 40 the amounts previously payable out of the Consolidated Fund, or out of moneys provided by Parliament for the endowment of the Presbyterian Church in Ireland (Regium Donum, etc.), as well as those payable to the College of Maynooth, were compounded for the capital value of the interest which they represented, and such capital value was paid out of the Church surplus, in relief of the Imperial taxpayer.

I submit that these provisions show the reasonableness of the demand that the Imperial taxpayers who were thus relieved should now provide the money required for the relief of unavoidable calamity.

The foregoing refers to feeble-minded paupers whose powers of injuring themselves or others is limited by their poverty; but when such mental deficiency is found in persons possessed of means, a fresh difficulty arises. I refer to the case, say, of a person who, although weak minded is not certifiable as insane, and who, while a minor, is under the care of the Court of Chancery. Such a person on attaining his majority may have a considerable amount of wealth at his absolute disposal, and becomes the easy prey of the designing and parasitical adventurer who is to be found in every community. The unfortunate victim in such a case may, in a few years, squander a sum which would otherwise have afforded him a competence for life, and may contract vicious and intemperate habits, which ultimately lead him to become a burden on the public rates, by his gravitation to the asylum, or prison.

Owing to the sparse distribution of wealth in Ireland, such cases are few, but they are sufficiently numerous to justify some action being taken for their protection.

It appears to me that this could be done by a slight extension of the powers of the Lord Chancellor, who is intrusted by virtue of the King's Sign Manual with

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the care and commitment of the custody of the persons and estates of persons found idiot, lunatic, or of unsound mind, and whose powers in this respect, exercised by the Registrar in Lunacy, have been, within our period of office, carried out with conspicuous care and ability.

GEO. PLUNKETT O'FARRELL, M.A., M.D., T.C.D.
*February 27th*, 1906.

## II. EVIDENCE RELATING TO INEBRIATES IN IRELAND.

I have submitted a statement of the law relating to Inebriates in Ireland, which, with the exception that the Licensing Act of 1902 does not extend to Ireland, and that the functions of the Secretary of State are exercised in Ireland by the Lord-Lieutenant, is practically the same as the law in England.

Up to the present, however, the only institutions established in Ireland under the Acts have been a State Inebriate Reformatory at Ennis, County Clare, to accommodate fifty-four patients (twenty-seven of each sex), and a small Retreat for fifteen Protestant females in a suburb of Belfast.

The former, which was opened in June, 1899, is under the management of the General Prisons Board, who report thereon as follows:—

"As it has now been clearly proved that the reformatory treatment has in many cases succeeded beyond expectation, it is a matter of much regret that more of the habitual inebriates for whom the institution was established are not sent there, and also that in the cases of some of those who are sent, the term of committal is so short as not to afford a fair opportunity of applying the remedial influence of the reformatory. There was an improvement shown in this respect last year, as compared with 1903, inasmuch as while in 1903 three sentences of less than eighteen months were passed, only one such was passed in 1904. This latter, however, was for the very short term of six months—a period in the opinion of all those who have any experience of the institution, altogether too short."

The reports of the governor, chaplains, and medical officer, extracts from which are published in the Appendix, are very encouraging. The following remarks of the governor are specially noticed:—

"The methods of treatment adopted in the reformatory are hygienic in character, being directed to the moral and physical restoration of the inmate. This is sought to be accomplished by means of a plentiful and nourishing diet, a regular healthy life, by training in habits of thrift, and instruction in trades, by discipline, total abstinence from intoxicating drink, and the good advice and influence of the chaplains and staff. The change that takes place even in the appearance of the inmate when some time in the reformatory is very noticeable. Inmates who on their reception were sullen, unkempt, and sickly, in a little while become cheerful, tidy, and healthy."

And the following remarks of the medical officer:—

"In no case has any inmate on reception been suffering from *acute* alcoholism; but, on the other hand, each and every one has evidently been addicted to intemperance for a long period, as exemplified by the countenance, demeanour, etc., on admission.

"It is very remarkable the improvement, in this respect, which has taken place in every instance. And from my experience after over four years' intimate connection with the inmates while in the reformatory, besides reading the favourable reports concerning the majority of those who have been discharged, I have no doubt whatever that the principle on which the reformatory is conducted is eminently successful.

"This is all the more apparent when it is considered that every case hitherto sent here has been one of *chronic* intemperance. And I am completely at a loss to understand why those in authority do not more frequently take steps to have the reformatory availed of. I cannot avoid again emphasising the fact that short sentences are not only perfectly useless in effecting any prospect of a "cure," but that instead of being a kindness to the inmate and his relatives, they have a contrary result."

The Prisons Board having followed up the after-history of every discharge from Ennis State Reformatory during the seven years of its existence, are able to state that more than 50 per cent. of the reformations are permanent so far.

The Belfast Retreat was licensed in May, 1903. The following are extracts from the only report regarding it which has so far been presented:—

"The origin of the institution is as follows:—

"The Irish Women's Temperance Union, a philanthropic association, whose efforts in the cause of temperance are deserving of the greatest praise, determined a few years ago to establish a voluntary Retreat for females.

"The necessary funds for this purpose having been voluntarily subscribed by the members of the Union and their friends throughout the country, steps were taken to secure "The Lodge" which is an ordinary villa, situated in a good residential district in the eastern suburbs of Belfast.

"From the date of the licensing of the Retreat up to the 31st December, 1904, twenty-two patients were admitted; three were re-admitted; and fourteen were discharged, leaving eleven resident at the end of the year 1904.

"Sufficient time has not yet elapsed to comment on the after-history of the discharged cases, but even already there are indications that, in a number of cases, the treatment has had a good effect.

"It is recognised that the only hope of the complete reformation of a confirmed inebriate is prolonged abstention from alcoholic liquor, and it is evident, therefore, that the power of compulsory detention is a vital necessity for effective treatment.

"The patients are divided into two classes, according to the rate paid for maintenance, viz., the "better" and the "working" class. Each class dines separately and the former do no housework, as the latter do.

"The rates charged range from 5s. to £2 2s. per week.

"Having regard to the great need for institutions of this kind throughout the country, it is to be hoped that, at no distant date, others may be established for males as well as females.

"A great number of them have been established in England and Scotland, where they are reported to be doing good work, and, when it is remembered how widespread is intemperance in the use of alcohol, it will be apparent how ineffective to grapple with the evil is one small establishment for the detention of Protestant females only, in the whole of Ireland."

Experience has proved how unavailing fine or imprisonment is to effect any reformation in the habits of the confirmed drunkard, and, having regard to the fact that quite 50 per cent. of the crime committed in Ireland can be traced to alcoholic excess, and that it is the cause of much of the insanity of the country, it is sad to reflect how trivial have been the efforts made to deal with what may be pronounced to be the greatest national evil of Ireland. The Executive have, however, it is just to say, done everything in their power by starting, under Section 3 of the Act of 1898, an institution which has never yet been filled, and which is capable of immediate expansion, if necessary. They have also adopted the Home Secretary's regulations for the certified inebriate reformatories, and have endeavoured to induce local authorities and philanthropic bodies to start certified houses under Section 5 of the Act. I am glad to state that a movement in this direction is astir, and that one certified reformatory is now being opened at Waterford by a religious Brotherhood. Unfortunately, the Treasury Grant, which enabled these institutions to be started and fostered in England, has now been reduced. Having regard to the poverty of Ireland, it is not unreasonable to expect that the same Grant as was originally given in England should be made to the similar Irish institutions; at least, until they have passed out of the experimental stage. Local bodies in England, who now, I understand, contribute liberally to certified inebriate reformatories, naturally declined to do so until the experiment had proved successful.

I may add that, according to the Returns for 1904, 7·9 per cent. of the total admissions to Irish District asylums in that year were stated to be due to the abuse of alcohol—the percentage being 11·1 amongst the males, and 4·2 amongst the females.

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*28th February*, 1906.

22082. (*Mr. Byrne.*) From your very striking statement we gather that there are a very large number of defectives in Ireland known to the State—a larger proportion than in England or Scotland ?—Yes.

22083. Is that attributable to the drainage of the healthier elements of the population ?—No doubt it is; it has been attributed largely to that cause, but it is right to mention a very curious fact that in the States of America to which the Irish principally emigrate they find in the asylums a very large proportion of people of Irish birth—a much larger proportion than that of any other nationality.

22084. And that notwithstanding their sifting them on their landing ?—Yes.

22085. I notice that in your 54th Annual Report it is stated that the proportion of lunatics to population is largest in certain counties which, as far as I know, are of a purely rural character ?—Yes.

22086. And there is not such a proportion in large centres of population like Belfast and Londonderry and so on. How do you account for the excess in places like Meath and Kildare ?—First there has been a very large emigration from Meath; and also to the fact that a good many people emigrate to the larger towns—the more active and energetic members of the community.

22087. Do you impute it at all to the neglect of the existing defectives, and their marriage and having children ?—To some extent it would be so I suppose. I am not prepared to say how far. It is a curious fact that in certain remote districts in Ireland, certain secluded districts where there is a good deal of insanity and where there is very much intermarriage, those districts I am told send a larger proportion than other districts to the asylums. There is the Black Valley in Kerry; I was told by the superintendent of Killarney Asylum that there was a very large number of lunatics having regard to the population of the Valley; also in one district of Connemara.

22088. Is there any healthy feeling in Ireland about the non-marriage of defectives ?—I cannot say there is.

22089. Is there the reverse ? Do the higher grades of imbeciles freely marry ?—I presume they do, but I cannot speak positively.

22090. The number of lunatics and imbeciles who are not known to you may be very considerable, may it not ?—It may be.

22091. Has there ever been any formal investigation in Ireland on the subject, or in any part in Ireland ?—Not that I am aware of. There was an inquiry made years ago by Sir Francis McCabe when he was Local Government Inspector, but I cannot say how far that inquiry went.

22092. What was the nature of the inquiry recently instituted by the Lord-Lieutenant about borderland cases ?—A small committee was appointed to inquire into certain borderland cases which were passing between prisons and criminal lunatic asylums, and in that case the question of criminal responsibility arose.

22093. That report would bear very closely on the work of this Commission. Do you think we could have a copy of it by applying to His Excellency ?—I have little doubt you can. I will communicate with the Irish Office and ask if I may furnish you with a copy. (*The Report was subsequently sent in to the Commission.*)

22094. If an inquiry of a fairly minute character were made in any part of Ireland it might produce even worse results than we gather from the published papers. Do you think it would ?—Not to any great extent. Most of these people in Ireland come under official knowledge. There is a great tendency in Ireland now for the poor people to send their dependant relatives to asylums. Admission is easily obtained into an Irish asylum, and there is a great tendency to send such people to asylums; they consider asylums are more comfortable homes than workhouses, so the tendency is rather to send them to asylums when they can.

22095. I gather from the comments of yourself and your colleagues in this report that the condition of the lunatics in some of the workhouses is very deplorable ?—Yes, it has been so.

22096. What remedy do you suggest for that state of affairs ? Do you think the Poor Law should be allowed to deal with defectives ?—I think it would be better to bring them all under one system of control and administration, to deal with them in separate establishments. It is only fair to state that the Irish Local Government Board has made very serious efforts to improve their condition. Their inspectors have done all they could, I think, to improve the condition of these people.

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22097. Do you think that, if everything that is reasonably possible is done, you would still have to have a number of little workhouses with five or six imbeciles in them ?—I think it is the very worst system possible, having a few in detached workhouses.

22098. You think that ought to be put a stop to ?—I think it ought to be put a stop to.

22099. Regardless of the fact that people would have to be taken away from their friends ?—Yes, I do not think there is much feeling on that subject with these people; they are apt to be forgotten.

22100. Will you tell us something about the cost of asylums in Ireland ? I notice from your report, speaking generally, that they differ a great deal—the charge in respect of land and buildings differs very much ?—When my colleague and I were appointed as inspectors of lunatics in 1890 there was a very great deficiency of accommodation in Irish asylums, and there is still a deficiency, but we have induced the local authorities to provide 8,630 beds for 8,630 patients since our appointment. In two cases we have built entirely new asylums; one at Antrim, and a second asylum for the Dublin district.

22101. Where is that ?—At Portrane.

22102. Is that a recent asylum ?—Yes; and Antrim.

22103. One of them cost £330 a bed, and the other cost £168 a bed ?—That £168 includes the buildings (temporary and permanent) at Richmond and Portrane. It does not refer exclusively to Portrane.

22104. Antrim, £331 ?—That is practically right.

22105. Richmond and Portrane, £168 ?—That is not the correct figure for Portrane only. I think the figure for Portrane new asylum should be about £288.

22106. This return is used a great deal in England and referred to; would it be possible to have the Irish part of it checked to see that it represents the substantial facts ?—Yes; Antrim is practically correct.

22107. (*Mr. Hobhouse.*) What are your figures for Portrane ?—The figure I have got here is £288 a bed. The local authorities have provided accommodation for chronic and quiet patients in connection with some of the asylums at a very cheap rate. At Belfast they have built four villas accommodating fifty each, for £100 a bed.

22108. (*Mr. Byrne.*) Are these villas self-contained ?—They are self-contained villas; but there is no laundry.

22109. There is a general laundry ?—Yes.

22110. Do the attendants for each villa live in the villa ?—Yes.

22111. And do their own cooking ?—Do their own cooking, with a small kitchen; they are simply ordinary villas.

22112. They have their own separate rooms for hospital cases ?—They are not hospital cases, they are quiet and healthy female patients, but if a patient were sick she would remain there.

22113. They are practically self-contained villas ?—Yes. In Downpatrick the provision of accommodation for workhouse cases, and also for other chronic and quiet patients, had to be considered, and the question arose whether it would be better to build in connection with the county of Down asylum at Downpatrick, or whether it would be better to put them into a separate institution such as a disused workhouse, if they could get one. After investigation, the county council of Down determined to build two blocks in connection with their existing asylum, and they provided these blocks for 179 patients at £90 10s. per bed. There are some other cases to which I need not refer.

22114. Have you a return which you can hand in ?—Yes.

22115. Does it contain anything which does not come

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in the annual report?—No, I think it is all in the annual report. This gives the number of beds provided since 1890, and also the cost of these special blocks; it is contained in one of our annual reports. I will get this corrected and handed in afterwards. *The Return was subsequently sent in, and is as follows:—*

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RETURN SHEWING THE SLEEPING ACCOMMODATION PROVIDED SINCE 1890 IN THE DISTRICT LUNATIC ASYLUMS IN IRELAND BY THE EXTENSION OR ALTERATION OF EXISTING ASYLUMS OR THE ERECTION OF NEW ASYLUMS.

| Asylums. | Number of additional beds provided. | Cost per bed in cases where new Asylum or separate blocks were erected. | Remarks. |
|---|---|---|---|
| | | £ s. d. | |
| Antrim | 400 | 347 8 0 | New Asylum with administrative offices for 600 patients. |
| Armagh | 196 | | |
| Ballinasloe | 433 | | |
| Belfast | 390 | 100 0 0 | Accommodation in the form of villas for 100 patients. |
| Carlow | | | |
| Castlebar | 300 | | |
| Clonmel | 225 | | |
| Cork and Youghal | 1,079 | | |
| Downpatrick | 389 | 90 10 0 | New blocks for workhouse and chronic cases. |
| Ennis | 60 | | |
| Enniscorthy | 176 | | |
| Kilkenny | | | |
| Killarney | 209 | | |
| Letterkenny | 410 | 126 10 0 | New block for 200 patients. |
| Limerick | 451 | | |
| Londonderry | 164 | 256 4 5 | Accommodation in the form of villas for 100 patients. |
| Maryborough | 200 | | |
| Monaghan | 160 | | |
| Mullingar | 524 | | |
| Omagh | 286 | | |
| Richmond Portrane | 2,184 | 288 0 0 | Portrane New Asylum for 1,240 patients. |
| Sligo | 174 | | |
| Waterford | 220 | 92 0 0 | New blocks for 126 patients. |
| Total | 8,630 | | |

22116. I gather from your actual report that there is no such thing as the boarding-out of lunatics, in Ireland?—No.

22117. Has it ever been tried?—It has never been tried. On principle, I am certainly in favour of the boarding-out system, but Ireland is not a country very well suited for it; I do not think it could be adopted on a very large scale there. It is difficult to find suitable hosts; the people have rather a fear, an objection, to insanity close to them in their homes. There are other causes. What they call in Scotland "sexual accidents," in Ireland would create a tremendous sensation. There would be much difficulty attending any extensive adoption of the boarding-out system, although I am quite in its favour, as I know it works very well in Scotland

22118. With regard to the mental defectives who are not lunatics, who do not come directly under the Lunacy Acts, of whom a large number appear to be at large in the country, do you think we may dismiss boarding-out as not being a very useful way of dealing with them?—It would not be a very useful way, in my opinion.

22119. Roughly speaking, the industrial and reformatory school system is much the same as in England?—Yes.

22120. Do you think those schools might be utilised with advantage for some of the defective children?—Yes.

22121. At present they are professedly excluded from such schools?—Yes.

22122. Would you like to see a special industrial school started for the purpose of receiving them?—Yes, I should be very glad to see that.

22123. Under the system that is working now, local authorities or philanthropic institutions starting the system and receiving a weekly grant from the Government?—Under the present system.

22124. With power of detention, nominally until the age of eighteen?—I think when they got to eighteen you would have to draft them into a different institution; I do not think it would do to mix the children with the others.

22125. You would use reformatory and industrial schools for this purpose up to eighteen, and if they were still unfit to be at large then you would send them to something like a colony?—Yes.

22126. A place where they could be kept to labour and kept out of mischief?—Yes.

22127. Do you think an institution such as that might be worked economically?—I think so.

22128. Land is very cheap?—Land is very cheap in Ireland, in parts; when you get out of the neighbourhood of towns it is very cheap.

22129. Could fairly lucrative work be done on the land, either in the way of reclamation or growing produce?—In some of the asylums in Ireland they do a great deal of excellent agricultural work.

22130. What would be your best hopes of the results from an excellently devised institution? What would you bring down the cost of maintenance to?—I have not thought it out and I should not like to name a figure, but you might bring it down to something like 5s. or 6s. a week. That is a mere rough estimate.

22131. You say in your statement it should be for the Imperial Government to come to the assistance of a sadly afflicted class by providing and largely maintaining say one institution in each of the four provinces for the training and education of the feeble-minded and imbecile classes. Could you tell us in general what is the extent of the evils which you seek to remedy by that proposal? Are there conspicuous evils in Ireland on account of this class not being dealt with?—Yes, there are. The idiot children wander over the country undergoing the greatest privation and suffering, buffeted and kicked about in some cases, and they ultimately drift into the workhouses. They have by that time contracted the most degraded and revolting habits. They have no proper method of dealing with such people in Irish asylums. I should like to see established in each province in Ireland a block for these children in connection with the existing asylums so as to cheapen administration, not in the asylum buildings but on the same estate or under the same administration at all events.

22132. Would you consider that land for them to live upon and cultivate is an essential of such an institution?—Certainly.

22133. The Dundrum asylum is a criminal lunatic asylum?—It is the Broadmoor of Ireland.

22134. I notice in your report about that asylum that you have quite a number of persons described as congenital idiots. How is it persons who can be described as congenital idiots can have been allowed to commit crime?—They have been at large in Ireland.

22135. So that illustrates the evil?—That is the best way of illustrating it.

22136. About inebriates; you speak of the favourable reports concerning the majority of those who have been discharged?—I am speaking here for the Irish Prison board. I have nothing to say for that institution, the reformatory, but I have visited it and am acquainted with it and I am quoting their words regarding it.

22137. I notice generally your evidence is very favourable to this institution?—Yes.

22138. The favourable result concerning the majority of those who have been discharged is based on actual figures?—The Prison Board have informed me they have made the most careful enquiries from the clergymen, police, and responsible persons, and on the whole the results are very promising.

22139. It is a well-considered opinion?—It is after most careful enquiry in the case of long period detentions. The short sentences, six months, are perfectly useless; they leave the institution and relapse at once.

22140. Can you tell us, roughly speaking, how many inebriates in Ireland show themselves to be feeble-minded?—I believe a large number.

22141. Have the figures been got out by the Prison Board?—I cannot say.

22142. You say in regard to certain persons that reformation is practically impossible?—Yes, I should think so.

22143. What would you do with the confirmed drunkard who showed himself not amenable to the reformatory discipline of existing institutions?—I should send him to a labour colony.

22144. The same sort of place as you would use for the adult feeble-minded?—Yes.

22145. Would you see any objection to his being dealt with on the same estate?—No, I should see no objection; under the same administration.

22146. Would the same sort of life and *régime* be useful for him?—I think it would. As regards a large class of epileptics there is no objection; on the same estate you may have an epileptic block.

22147. You think with proper segregation they might be all dealt with on the same estate?—Yes, on the villa colony system.

22148. Allow me a few questions about the law to supplement this very useful tabular statement. The first is with regard to the first column of Table A, "lunatics under the Lunacy Acts; the Lord Chancellor may appoint a guardian of the person and property of persons shown to be of weak mind and temporarily incapable of managing their affairs." The word "temporary" surely limits the utility of that very much. Persons of weak mind, you would think, would be generally incapable of managing their affairs, or generally incapable, but why the word "temporarily"?—As far as I am aware that is people who pass temporarily into a condition in which they are not able to manage their own affairs and the Lord Chancellor can place them under control for six months; take charge of their affairs for six months.

22149. (*Chairman.*) Does it apply chiefly to old people?—No, I think not. Dr. Colles will be able to answer that question more satisfactorily.

22150. (*Mr. Byrne.*) You suggest a slight alteration of the powers; I was going to ask what it was?—That was a special class of these people to whom I referred there.

22151. You have urgency cases dealt with in Ireland. Suppose a policeman or a private individual finds a person gibbering about the streets, not under proper control; what does he do?—Makes an information before a magistrate.

22152. Can he take the person before a magistrate then and there?—An information is sworn, then he is brought before the magistrate, then they commit; that is what we call a "dangerous lunatic," under the Act 30 and 31 Victoria.

22153. Can a policeman take the person straight off and deposit him in a police station until he gets the two magistrates?—He practically does so.

22154. That is done, and the papers are put right afterwards?—Yes.

22155. The absence of a proper system of dealing with emergency cases looks to an English eye rather defective?—Yes, the Dangerous Lunatics Act was intended to apply to a very limited number of lunatics in Ireland, as it does in Scotland, but the Irish people saw it was a very ready way of getting rid of the lunatic, they had no expense of transferring the lunatic to the asylum, which might be a long distance away, and they had not to pay the doctor's fee, and so they quickly saw that by swearing this information under certain circumstances they could have them taken charge of by the police, relieving them of all responsibility and expense. The result is that the Dangerous Lunatics Act has been the great Act in Ireland for committal to the asylum. It is really a great abuse of the Act, but it has become the ordinary method of admission to asylums.

22156. And it is convenient?—And it is convenient.

22157. It is much more difficult in Ireland to get authority for the detention of a pauper than it is for the detention of a person that is not a pauper?—Yes; the Private Asylum Act is a very old Act and it is not very effective.

22158. Do you consider that elaborate system for getting an Order for the detention of a pauper lunatic with a double certificate stating "facts observed by myself and facts reported by others" is necessary in regard to the idiot and imbecile classes?—No, I do not think it is necessary, but it is very hard to see a way out of it; it is difficult to recommend the facts should not be stated and should not be set forth. They can be very simple, but I think they should be stated by the examining medical men.

22159. You have nothing in Ireland corresponding with the Idiots Act, 1886?—No.

22160. You know the terms of that certificate?—Yes, I do generally.

22161. "Idiot or imbecile, but capable of benefit by instruction in such an institution." Would you like that in Ireland?—Yes.

22162. If you had a law enabling you to do it, would you apply such a certificate to a large number of the defectives or would you like them all to be certified under the Lunacy Acts?—I think it would be better to have them certified under the Lunacy Acts.

22163. For what reason—to satisfy the public?—Yes, to satisfy the public and prevent any possible abuse.

22164. I see in column 7 of the same Table you speak of discharges and you remark at the end that in all

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the above cases except (*a*) and (*e*) recovery of the patient is not a *sine qua non* for discharge. I observe from your Report there are a very large number of recommittals of lunatics to asylums. Does that evil arise from the premature discharge ?—It does in some cases.

22165. Have you any practical recommendation to make for dealing with that matter; It has been before us pretty constantly in regard to England ?—The subject is very hard to make any recommendation on, but I certainly think there should be a larger discretion allowed as regards the detention of many of these people.

22166. Will you tell us, generally, what are the causes which press upon a committee of management in thinking of a discharge now ? Is there a want of space, and do they discharge for that reason ?—They are very often discharged for that reason.

22167. Have they got the theory that if a person has been for weeks and months tranquil, and free from delusions, that person is not insane and should be let go, even if they know that under the stress of the outside world he or she will become a lunatic again in a few weeks ?—They are not sure they will relapse, and, not being sure, they are bound under the existing law to discharge them.

22168. The people must go, even if in their own minds they know there is the risk ?—Yes, they are still bound to discharge.

22169. Are you satisfied with the continuance of that system ?—I think there should be a much larger discretion allowed with regard to the treatment of recurring cases.

22170. Would you like the medical superintendent, or the committee of management, in cases like that, to be able to report to the Lunacy Board and say, "We have a person who is now tranquil and free from delusions, but if she is let out we fear from what has happened in the past that she will get into trouble; may we apply for your instructions as to what we shall do" ?—Yes.

22171. What powers would you like the Lunacy Board to have ?—Power to sanction the detention for a definite time of such a patient.

22172. And a renewable period ?—Yes.

22173. Do you think that is strongly called for ?—I think it is strongly called for.

22174. (*Dr. Donkin.*) Is it your opinion that there are a considerable number among the congenitally feeble-minded people of Ireland whom it would be difficult, for many reasons, to get certified under the Lunacy Act ?—I do not think there is very much difficulty in Ireland in getting them certified. That difficulty does not arise, though I understand it arises in England. In Ireland persons are very freely certified.

22175. With the higher grade of imbeciles, for instance, who come into the prisons guilty of various crimes, and the girls who become prostitutes, would there not be a difficulty in certifying many of them under the present law ? Would it be easy to get the doctors to certify them ?—No, I do not know that that class would be certified. There might be a risk in being too free; you would have to be rather careful of that. There is a class of that kind who are well known in Irish workhouses; in certain parts of Ireland they produce the only illegitimate children you find in the country. In the west of Ireland illegitimacy is very rare, except among these women. You see these women, when they are in the workhouse, in the separation wards, then you go on to the schools and you see their children stigmatised in the schools with the stigma of degeneration about them. They are a class by themselves. I think it would be useful if there were some power of detaining these women.

22176. You think there should be, in order to detain them, some further powers ?—Yes.

22177. But you could not certify them under the Lunacy Act as at present worded ?—No.

22178. There are a good many of those in some parts of Ireland ?—Yes, there is a certain number in nearly all the workhouses.

22179. Have you any knowledge of families in Ireland with several members more or less imbecile ?—Yes, I have knowledge of some families. You see them in the asylums a good deal. You see the parents and children in the asylum, sometimes, together.

22180. From your experience among the feeble-minded class in Ireland, have you formed any views as regards the tendency of mental deficiency to run in families ?—I believe entirely in the heredity theory.

22181. You believe, from what you have seen, that there are many cases in which there is a tendency for defect to reproduce itself ?—To run in families.

22182. (*Dr. Dunlop.*) About that point you were just mentioning, the certification of feeble-minded maternity cases; where is the difficulty of certification ? Presumably you are only referring to cases which are mentally defective ?—They are defective, but they are not certifiable.

22183. Is any hard and fast line drawn ?—No, there is no hard and fast line drawn; in some cases they would be, and in some cases they would not be certified.

22184. Wherever there is mental defect, there is surely some fact you can fill in in the certificate ?—Where there is marked defect there is a feeble mind, a defect in controlling power, which I think would justify in some cases their detention on sociological grounds during child-bearing period, but I think that should be very carefully guarded and should only be applied by some responsible judicial authority. I do not at all believe in the indiscriminate certification or committal of these people.

22185. Do you think all imbeciles or congenitally defective persons should be certified ? I suppose not ?—No.

22186. It is only those who require care and treatment ?—Yes.

22187. Surely these persons about whom we are talking are essentially those who require care and treatment, as well as being defective ? They come within the terms of the certificate, do not they ?—Yes, but still at present they are not certified as a matter of fact.

22188. But there is no practical reason why they should not be ?—I think in some cases there would be a difficulty in certifying.

22189. Where would the difficulty be ?—That you cannot get the medical man to take your view.

22190. The medical men are defaulters in the matter, but what about the magistrates ?—The magistrates have so little to say to it in Ireland; they are absolutely dependent on the medical certificate.

22191. The magistrate does not criticise the certificates in Ireland in the way he does in England and overruled them ?—No, he does not. The magistrates commit under the Dangerous Lunatics Act which constitutes the great bulk of the admissions into asylums; the magistrates are the committing authority; they commit the patient and they have power of doing it on a medical certificate stating that the patient is a dangerous lunatic. There are certain facts alleged to prove that the patient is dangerous, but as a matter of fact in some cases the Dangerous Lunatics Act is applied to children of five years or six years old.

22192. Could it not be applied to these maternity cases ?—No, because they are very often not at all violent.

22193. A child five years old is not violent ?—It may be troublesome; it may bite or scratch. That constitutes the danger in the opinion of some magistrates.

22194. Do you think it would be wise to bring the lunatics and defectives into two classes and style the one certifiable and the other not ?—I think it would be better to bring them all under one authority.

22195. Do you not think the sound administration would be that wherever there is defect in any form, combined with necessity for care and treatment, that *ipso facto* ought to be the certifiable quantity ?—I think so.

22196. In Ireland is any administrative difference made between congenital and acquired defect, or are they all dealt with and classed as lunatics ?—They are dealt with and classed as lunatics.

22197. Do you think it would be advisable to divide them into two classes ?—No, I think it should be one authority.

22198. And the authority to look after all defectives and lunatics is the Lunacy Board ?—There is no Lunacy Board in Ireland. We are the central authority.

22199. I see in Ireland there are two local authorities taking charge of defectives and lunatics, the Guardians and the County ?—The County Council are responsible for providing asylum accommodation, and they entrust their powers as regards the management of the asylums to an asylum committee; that is one authority. The other authority, the Guardians, have no control over a lunatic. A lunatic in a workhouse is simply there as a pauper. He happens to be a lunatic, but he is regarded as an ordinary pauper.

22200. At the present moment we have this double form of relief, the Guardians taking charge of a large number in the workhouses, and the county authority taking charge of a large number in the asylums ?—Yes.

22201. That is most unsatisfactory ?—Yes.

22202. It is over-lapping, is it not ?—Yes.

22203. Have the asylums any power of selecting cases; are they in a position to refuse to admit cases, or not ?—As I said before, so many of the patients are sent in on a magistrate's warrant. They have to receive them; it is a compulsory warrant.

22204. That is under 30 and 31 Victoria ?—Yes, Chapter 118. Two-thirds of the lunatics in Ireland go in under that Act, the local authority must receive them. They claim a power to refuse those sent in on an ordinary form, the house form. There is very often a dispute between them and the Boards of Guardians as to their power of refusal.

22205. The asylums have it in their power to refuse these cases ?—Yes, they claim the authority; they say we are full, we cannot receive them.

22206. The managers of the asylums are the admitting authority ?—Yes, as regards the ordinary forms.

22207. Those that come in under the ordinary forms instead of going before the sheriff as in Scotland ?—It is two justices in Ireland.

22208. But the managers of the asylum are the final admitting authority ?—Yes.

22209. Is that a satisfactory state of affairs ?—Yes, I do not see any objection to it. It should be exercised through the resident medical superintendent, of course.

22210. Would you give the medical superintendent that power to refuse a case ?—No, I should not.

22211. He is the only expert in the management ?—He is the only expert and the committees are guided by his advice.

22212. It is a very wide power to give him ?—It is a very wide power to give him.

22213. Is it advisable that that should be retained ?—I think I should entrust it to him; he is a responsible officer.

22214. Would you explain the mode in which a lunatic is, in practice, looked after ? Let us take a suppositious case of a servant girl becoming insane. Suppose I had a house in Dublin and my housemaid became insane ?—She is very likely violent, she threatens suicide or assaults somebody or does some ordinary lunatic act. The master of the girl would go and swear an information that she had threatened to kill herself, and the police would come and bring her, in Dublin before a police magistrate, in the country before two local magistrates, who would call in the nearest available medical officer of the district, who would examine her, and on his certificate they would in the vast majority of cases commit her to the asylum.

22215. Take an attack of melancholia. An attack of melancholia is no ground for poor relief in Ireland; you get no assistance from the Guardians ?—The Guardians will not enter into it.

22216. Is that legal ? Are they not bound to take charge of all the sick poor ?—As a matter of fact it does not come before the Guardians in any shape or form. There is no law of settlement; there is no parochial system in Ireland as regards the lunatics. The lunacy laws were passed before the Poor Law.

22217. And do not fit in with the Poor Law ?—No.

22218. Talking about the boarding out of lunatics; in reply to Mr. Byrne's questions, you said you were rather afraid of it in Ireland on account of the risk of sexual accidents ?—That is one of the reasons why I think you could not use it in Ireland to any great extent, but I am in favour of the system in principle, though I think in Ireland you would have difficulty in applying it except to a very limited degree.

22219. Sexual accidents in Scotland, when the boarding out is with non-relatives, are very few and far between, and in the more moral Ireland they would be still fewer, so is that really a genuine objection ?—It is only one objection, but I think it is genuine to a limited extent. One case of that kind happening in Ireland would create a very great uproar. In Scotland you do not seem to think so much of these things.

22220. The risk is a very small one, is it not ?—It is not a great risk. Another difficulty in Ireland is the difficulty of finding suitable houses.

22221. It has not been tried, has it ?—No; many of these people are sent to the asylum to get them out of the homes, and you would send them back under the boarding-out system. The surroundings are bad and the people often want to go to work and they cannot look after these people.

22222. Not to their own homes but to other homes ?—Yes, but I think it would afford very limited relief in Ireland.

22223. Would you go to the length of saying it is a procedure which is worth giving a trial to ?—Yes; I am in favour of giving it a trial.

22224. You are not sanguine of it, personally ?—I think it would be limited, but I think it would give relief in certain localities, and we have stated that before now.

22225. Imbecile and defective children are very much neglected in Ireland ?—Yes.

22226. The institution of training schools for them is a crying want in the country ?—Yes.

22227. You made some remark about senile cases, that some of those go unnecessarily to the asylums ?—There is no other place to which they can be sent.

22228. Is there any reason why they should not go to asylums ?—No.

22229. Is not that the natural home for a person who is insane ?—Certainly. They tend, of course, to fill the asylum; they take up a great deal of accommodation; otherwise I think it is the most suitable place for them. If you can provide separate blocks for them I think it is the most satisfactory way of dealing with them.

22230. Do not you think they ought to continue under the lunacy administration rather than under the ordinary Poor Law ?—Yes, under the lunacy administration.

22231. In Ireland is it not the fact that your central Board do all the building of asylums ?—Not since the passing of the Local Government Act in Ireland. They did before that. A body called the Board of Control up to that time were responsible for buildings, acquisition of land, and the erection of asylums, but since the passing of the Local Government Act the Board of Control has ceased to exist and their powers have passed to the county council.

22232. So they are no longer being built by the central body ?—No.

22233. Do you think that is a change in the right direction or the reverse ?—I am in favour of extending the local powers so far as I can. I do not know that it has worked very well in some parts of Ireland; I think the local authorities are afraid of the expense. The districts in some cases are poor, and they are afraid to face the expense of providing the necessary buildings, and in that way I think it is not quite satisfactory.

22234. The previous method was for the central people to do the building, charging the local authority for it ?—They had absolute power.

22235. Did that work smoothly or not ?—It created a good deal of friction.

22236. Another point of difference between Ireland, and England and Scotland, is that the criminal lunatic department is directly under the lunacy inspectors; is that a good arrangement ?—Yes, it works fairly well; but I certainly should be in favour of transferring our jurisdiction over Dundrum Criminal Lunatic Asylum to the Prison Board.

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22237. For what reasons ?—A criminal lunatic asylum is really more a prison ; it partakes of a prison character ; the great question is security there ; I think that question comes more appropriately under the Prison Board.

22238. I see your criminal lunatic department take in non-criminal cases ?—Yes, they are legally regarded as criminal lunatics, but they have been acquitted on the ground of insanity.

22239. No ; I refer to the Army and Navy cases ?—Yes, that is a defect of the Act in which the word " person " instead of " prisoner " was used ; it would be very wrong to put such persons under the Prison Board, but that Act no doubt would be amended.

22240. Regarding the inebriates, you talk about a 50 per cent. recovery rate. Can you tell me on what number that statement is based—it is a very striking figure ?—It is a very limited number. It is not my figure, it is a Prison Board figure.

22241. Can you give us some conception ?—There have been so few cases. At the State inebriate Home at Ennis there are only about thirty cases ; the governor says they have had 50 per cent.

22242. Can you tell me whether it is based on half a dozen cases ?—A small number.

22243. So small a number that probably it is not dependable ?—Very likely. Time is a large element, I need not tell you, in these cases, and the time is still very short ; it was only opened in 1902.

22244. (*Chairman.*) Do you wish to say something more about the Irish Church surplus fund ? You suggest in your statement that this money might be used for dealing with the feeble-minded. Would you suggest using the money for building institutions ?—Yes, I should. I may say that this church surplus fund, which represented a sum, Mr. Gladstone said, of £311,000 a year, was dedicated to the feeble-minded, among other classes of people in Ireland needing relief, people subject to what was called in the Bill, " unavoidable calamity and suffering." It was dedicated in the most solemn way, and we got a most solemn Parliamentary promise that this £7,000,000 or £8,000,000 of money should be given to the struggling charities of Ireland. As a matter of fact the surplus has been devoted to a great many objects since the passing of the Act, but not one shilling has come to any of the bodies which were ear-marked as its most just application. I should think we have a claim for anything remaining of it, that this money should be devoted to building for such classes as the feeble-minded. Then I think also we should get a capitation grant for their maintenance. The ratepayers of Ireland are so poor that they cannot afford to start, or entirely maintain, separate charitable institutions. I think we have reached the limit of our tax-bearing capacity as regards institutions, and that we must get very substantial relief from the State if they are to be provided at all.

22245. You suggest that unless money is forthcoming from the Imperial Exchequer there would be no chance of providing institutions, such as are necessary, in Ireland ?—In my opinion there would be no likelihood of providing them, and in my opinion the local authorities, having regard to the very heavy taxation they have to bear, and the poverty of the country, are fully justified in refusing to start further institutions.

JOHN MAYNE COLLES, Esq., LL.D., called ; and Examined.

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22246. (*Chairman.*) Would you be so good as to tell us how long you have been Registrar in Lunacy ?—Twenty years.

22247. You have been so kind as to give us a statement of your evidence with regard to the law in Ireland, may we put it on the notes ?—Certainly.

STATEMENT OF THE EVIDENCE PROPOSED TO BE GIVEN BY JOHN MAYNE COLLES, ESQ., LL.D., REGISTRAR IN LUNACY (IRELAND).

THE JURISDICTION " IN LUNACY."

*Lunatics so found.*—The jurisdiction arising from the Royal Prerogative has, since the Lunacy (Ireland) Act of 1901, been delegated by the King's Sign-Manual not only to the Lord Chancellor of Ireland, as formerly, but also to the Master of the Rolls and the Lords Justices of Appeal, or any one of them. In practice the jurisdiction is exercised by the Lord Chancellor alone, the other judges named in the King's Letter acting only in the Lord Chancellor's absence.

Independent of legislation, the jurisdiction thus conferred extends only to " such idiots and lunatics and their estates as are and shall be found by inquisition."

By the Lunacy Regulation (Ireland) Act, 1871, " lunatic " is defined to mean " any person found by inquisition idiot, lunatic, or of unsound mind and incapable of managing himself or his affairs."

Orders for inquiry are made either on the petition of a relative or other person interested in the alleged lunatic, or on the report of one of the Lord Chancellor's Visitors. In cases where a jury is unnecessary the inquiry is held by the Lord Chancellor himself, who has in every case the assistance of a report from one of his Visitors. If the alleged lunatic is out of the jurisdiction, or himself demands that the inquiry should be had before a jury, a commission is issued—usually to the Registrar in Lunacy—under which a jury is empanelled to try the question of insanity. Appeal from the Order of the Lord Chancellor lies only to the King in Council. The finding of a jury can be traversed in the King's Bench Division.

The " Chancery patients " thus found lunatic by inquisition include a large proportion of feeble-minded persons who could not be certified as proper subjects for detention in an asylum. For some years the word " lunatic " has been dropped out of all proceedings in lunacy in Ireland, and the subject of the proceedings is designated a " person of unsound mind." This change of title has had a marked effect in lessening the disinclination of the patient's family to invoke the jurisdiction, and of the patient himself to submit to it.

According to the practice in Ireland, the person to whom the custody of the person of a lunatic is granted can exercise only such control as may be expressly authorized by the Lord Chancellor's Order.

In the cases of " lunatics so found " there is of course complete jurisdiction both as to person and property.

*Lunatics not so found.*—(*a*) Under the 68th section of the Act of 1871, when it is established to the satisfaction of the Lord Chancellor that any person is of unsound mind and incapable of managing his affairs, and that his property does not exceed the sum of £2,000 in value, or that the income thereof does not exceed £100 per annum, the Lord Chancellor may, without inquisition, make such Order as he may consider expedient for the purpose of rendering the property or income of such person available for his maintenance or benefit or for carrying on his trade or business.

This procedure under this section is inexpensive and simple. It has the disadvantage that no direct control is given over the person of the alleged lunatic, but indirect control resulting from the administration of the property is usually adequate; and although the patient can be discharged from asylum control without the permission of the Court, asylums are required to give previous notice to the Lunacy Office of intended discharge, in order that provision may be made for the future care of the patient.

Orders under this statutory power are made in many cases in respect of persons who are not certifiable.

The subject of the application has due notice and can appear by counsel or solicitor on the hearing of the petition, but the decision of the Lord Chancellor is final. If no objection is lodged, no formal application is made in Court ; the Lord Chancellor reads the petition and makes such order thereon as he thinks expedient.

(*b.*) Section 70 of the same Act confers power to deal with the property of a person in whose case a " special verdict " has, on indictment, been found under 46 & 47 Vict. c. 38. This confers no control, direct or indirect, over the person.

*Persons of weak mind.*—When it is established to the satisfaction of the Lord Chancellor that any person is of weak mind and temporarily incapable of managing his affairs, the Lord Chancellor is empowered by section 103 of the same Act to appoint a guardian of the person and property of the person of weak mind; and by the Order making such appointment, the nature and extent of the powers to be exercised by such guardian are to be specified.

Such an Order remains in force in the first instance for a period of six months only. It can be renewed for a second period of six months, but no longer.

A person of weak mind is defined by the Act as any person from any temporary cause or sickness affecting his mental capacity incapable of managing himself or his affairs.

An Order under this section gives (while it lasts) complete control over the person and a limited jurisdiction as to property.

*County Court Jurisdiction.*—The County Court Jurisdiction in Lunacy (Ireland) Act, 1880, enacts as follows: "From and after the passing of this Act every Civil Bill Court in Ireland shall have and may exercise with reference to persons who reside within the jurisdiction of such Civil Bill Court, and whose property or the net estimated value of whose property does not exceed the sum of £700 sterling in respect of the *corpus* thereof, or the sum of £50 sterling per annum in respect of the income thereof, all the jurisdiction, power, and authority in lunacy of the Lord Chancellor of Ireland for the time being intrusted by the Queen's Sign-Manual with the care and commitment of the custody of the persons and estates of persons found idiot, lunatic, or of unsound mind."

The jurisdiction in lunacy exercised under this Act has not been found satisfactory. There is considerable difference of opinion among county court judges as to the nature and extent of the jurisdiction conferred by the Act—such difference of opinion leading to difference of practice. The county court has, moreover, no machinery for the requisite supervision of either person or property.

### Supervision and Inspection of Chancery Patients.

The medical inspection of Chancery patients is carried out by medical Visitors, locally appointed by the Lord Chancellor as occasion arises, who are paid by fees out of the property of the patient inspected; or, where such property is very small, out of the Lunacy fund. Persons found lunatic by inquisition must be so visited not less than four times a year if in private care, and not less than once a year if in an asylum. The medical visitor makes a report to the Lunacy Office of each such visit. Persons whose affairs are under the control of the Court by virtue of any of the statutory powers above mentioned are medically inspected as the nature of the case may require. Cases of difficulty are referred to consulting Visitors, of whom there are two in Dublin, one in Belfast, and one in Cork, or to the medical superintendent of the nearest district asylum, if the patient is not confined in such asylum. The Registrar in Lunacy is also required to visit every district asylum once a year, and every private asylum twice a year

### General Supervision.

A return is made to the registrar in lunacy of every admission to a private asylum in Ireland and of every admission to a district asylum of a patient known or believed to be possessed of means. Inquiries are then made as to the patient's affairs, and such action is taken as may seem necessary for the protection of the patient or his property.

By the Act of 1871, already mentioned, "alleged lunatic" is defined to mean any person stated to be, or treated as if he were a lunatic, or any person as to the fact of whose lunacy the Lord Chancellor shall think fit that inquiry should be had; and by section 11 of the same Act the Lord Chancellor is authorised to direct one or more of the medical visitors to visit any alleged lunatic and report as to his mental condition and surroundings.

These powers of investigation enable independent action to be taken through the general solicitor for minors and lunatics in Ireland, in cases where there is no member of the patient's family able or willing to present a petition. This applies chiefly to cases of patients with small means, and it is found feasible to deal effectively with all such cases, no matter how small the amount involved may be.

### The Feeble-minded in Asylums.

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A tabular statement showing the law as now in force in Ireland relating to the admission and discharge of asylum patients has, I understand, been furnished by the inspectors of asylums. In practice, patients are usually admitted to private asylums on the order of a relative supported by two medical certificates under the provisions of the Private Asylums Act; while as regards district asylums, pressure on the available accommodation has resulted in the practical disuse of all forms of admission save the warrant of a magistrate under section 10 of 30 and 31 Vic. c. 118. The admissions to one of these asylums thus constitute a procession of patients suffering from every kind and degree of insanity and dementia, including senile dements and imbecile children, each of whom has been medically certified to be a "dangerous lunatic" and is sent as such to the asylum under a magistrate's warrant.

This leads to observation on a class of patient very frequent in district asylums and common enough in private ones—the patient, namely, who is sane in the asylum and insane at home. As certified lunatics, these people are apparently outside the scope of the present inquiry, but they become relevant as representatives of the large class of the mentally unstable whose sanity is contingent on favourable surroundings. Once the balance has been upset by deprivation or domestic worry, the choice lies between continuous detention of a sane person, and oscillation between home and asylum. In either alternative, the patient is miserable—and, sane or insane, he is a serious social danger.

The perplexities of asylum superintendents in dealing with these cases might be relieved by a power of boarding-out, coupled with adequate power to recover the cost of maintenance from the patient's relatives. If, however, the uncertified class is to be dealt with as a whole, either for protection or restraint, some scheme might be devised which would obviate an addition to the number of institutions of various kinds already existing in Ireland.

It would be possible to confer on some judge or tribunal the power of appointing a guardian of any feeble-minded person, specifying the nature and extent of the powers to be exercised by such guardian, in analogy to the procedure in weak-mind cases which has been already described. Periodic supervision would, however, be indispensable, and this presents great difficulty unless it could be carried out by assistants under the direction of the inspectors of asylums, performing duties similar to those of the inspectors of boarded-out patients in Scotland. If it were possible to arrive at any satisfactory definition of the prodigals or morally insane whose liberty of action might justifiably be curtailed by the State, I see no reason why cases of this kind should not be similarly dealt with. In palliation of the obvious defects of these suggestions it may be pointed out that conditions in Ireland hardly admit of such heroic measures as are advocated for England.

In this connection it is to be noted that for insane or feeble-minded persons with small incomes (under, say, £50 per annum) there is practically no suitable accommodation in Ireland.

### Feeble-Minded Children.

Although the treatment and training of children is outside the sphere of my official duties, yet, as I have for several years acted as chairman of the managing committee of an industrial school, and have devoted some attention to the subject, I ask permission to make a brief reference to it.

The work done by the Stewart Institution—the only establishment in Ireland for the training of such children—is admirable within its possible limits, but in quantity the work so done is inconsiderable when the general problem is faced.

The dim or deadened intelligence and stunted physical condition of many of the children admitted to the school I am connected with, suggest the extent to which they would have descended in the social scale if the conditions of ill-feeding, hardship, and exposure, had been prolonged. The qualifications for admission to an Irish industrial school are:—

Mendicancy.

Wandering, and not having any home or any settled place of abode.

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Wandering, and not having proper guardianship or visible means of subsistence.

Destitute, and an orphan, or with a surviving parent in prison.

Frequenting the company of reputed thieves, or living with reputed prostitutes.

Under the sole care of a mother convicted for the second time of crime.

of which the mendicancy clause is in abeyance. The condition of the children who come in contact with the police under these clauses indicates the existence of a very large class in whom the feebleness of mind is deeper, though not beyond the reach of training.

Following the analogy of industrial schools, and subject again to a mental reservation regarding the multiplication of institutions, I suggest that if schools for the training of *improvable* children were provided by voluntary effort, feeble-minded and imbecile children found in unsuitable surroundings might be committed by order of a magistrate, the working expenses being partially met by capitation grants from the Treasury and the local authorities. Subject to the conditions that such schools be closely and adequately supervised, that the committing magistrates be specially selected, and that the period of detention be somewhat longer than that in industrial schools, it might be hoped that the training of such children would have an appreciable effect upon the populations of prisons, asylums, and workhouses.

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22248. (*Dr. Dunlop.*) Will you give us a little information about your present appointment? What are the duties of the Registrar? To what body is he attached?—The duties of the Registrar are practically the duties of the Master in Lunacy in England, *plus* the duties of registration and admission of patients who are not pauper patients.

22249. The registration is conducted by the inspectors?—Yes, but every asylum is bound to return to the Registrar's office the admission of every person who is not expressly admitted as a pauper patient, and the discharge.

22250. They are reported and registered in two places?—Yes.

22251. I see you mention the existence of a general solicitor for minors and lunatics?—Yes.

22252. What are his duties?—Practically the same as the duties of the Official Solicitor in England. He takes whatever proceedings are directed by the Court wherever it is necessary for the Court to take the initiative.

22253. Does he deal with pauper cases as well as the monied classes?—Very seldom. He can deal with them because there is power to pay his costs out of the lunacy fund which in Ireland is still under the control of the Lord Chancellor. In England it is not.

22254. He does not concern himself with general administration of lunatic paupers?—No, only cases specially referred to him from my office.

22255. The general public have no power of getting his opinion in the matter of lunacy?—No.

22256. I gather from your statement that you are strongly in favour of boarding-out of congenital defectives under guardians?—I quite agree with Sir George O'Farrell. I can mention places in Ireland where it would not be very suitable, or practicable, but it would be practicable in a good many places, and I do not see why there should not be power to do it.

22257. It has been a success in Scotland; is there any reason why it should not be in Ireland?—I think it would be a success in some places in Ireland; at all events it could be tried.

22258. You are strongly of opinion that the provision for children is utterly insufficient?—Yes, lamentably insufficient, I think.

22259. Institutions for them will cost money. How should those institutions be paid for?—I have suggested as the only practical scheme that occurred to me that they should be paid for much in the same way that industrial schools are in Ireland, and worked on the same lines. They are provided by voluntary effort in the first place, and largely supported by voluntary contributions. They get the Treasury grant of 4s., and a grant from the local authorities of about 2s. 6d.

22260. If these children were dealt with under the Lunacy Law they would get a 4s. grant too, would not they?—But they could not be, I think.

22261. Why not?—The children I would like to get hold of are the children who are rather better than the ordinary class we deal with as the lunatic class in Ireland, somewhere between the industrial school class and the asylum class.

22262. There is no legal division of imbecile children into certifiables and non-certifiables, is there?—No.

22263. Is it desirable that there should be?—Children are not certified in Ireland at all unless they are violent or epileptic. They are left to Providence and their relations.

22264. In Scotland there are imbecile institutions where the children are not certified?—We have nothing of that sort.

22265. Are they certified at the Stewart Institution?—Yes.

22266. On the ordinary lunacy form?—Yes.

22267. Your conception is that the imbecile training establishment should be restricted to the mildest cases?—The cases that are improvable. I do not think in Ireland it would be possible to go further that that.

22268. What would you do with the others?—I am afraid, leave them alone. I do not see what else you can do with them.

22269. Leave them neglected, and at home?—I do not think public opinion in Ireland would support legislation of the sort that has been suggested, such as segregation and control for the rest of their lives; I think we have not moved on to that yet.

22270. But, on the other hand, when there is an idiot or an imbecile neglected at home and requiring care and treatment, do you think that should be refused?—I suppose not, but I have not been able to suggest any mode of dealing with them which would be likely to be accepted.

22271. Do you think that if it were declared that the parents should be entitled to relief from keeping an imbecile or idiot child, when those parents were unable to do it, there should be relief?—Yes, certainly, if the institutions could be financed.

22272. Finance is the great difficulty in Ireland?—Yes.

22273. Have you any faith whatever in voluntary effort meeting the situation?—Yes, to the extent that I have indicated I do think it would meet it.

22274. Has it been a success up to now?—It has, in regard to industrial schools. Of course there has been no attempt to go on the same lines in the direction of training imbecile children; there has been no opportunity.

22275. Has the Stewart Institution received the support it deserves from charitable sources?—No, not altogether I think.

22276. That is an institution exactly on the same lines which you now suggest, is it not? It has been tried and the philanthropic effort has failed, has it not?—It gets no support at all from the Treasury or from local authorities.

22277. They are certified lunatics; do they not get the Lunacy grant?—No, they get no grant at all.

22278. How is it they do not get the Lunacy grant?—I do not know. Dr. Rainsford will be able to tell you.

22279. If they got the lunacy grant, do you think the philanthropic effort would go any further?—I think the industrial schools have been supported chiefly in the north for the Protestants, and in the south, where the population is chiefly Roman Catholic, they are largely run by the religious teaching orders, who can run them a great deal more cheaply. That is what was in my mind in what I said. As regards Protestants, I think people in the north would probably support an institution of their own there; and undoubtedly there would be schools started, if there were contributions by the local

authorities, by the religious teaching orders of the Roman Catholic Church. I have no doubt about it.

22280. I suppose you are aware the industrial teaching in the schools of reformatories and other institutions is very different?—Yes, a school started on the lines I suggest should not be similar on the lines of teaching; it was merely as to constitution and support that I was drawing an analogy.

22281. You are more likely to get philanthropic support to an institution where a cure might reasonably be expected?—Yes.

22282. Without that one does not expect much voluntary support for voluntary institutions?—My suggestion as to imbecile institutions is limited to children who are distinctly improvable.

22283. Have you any idea of the numbers of such children?—No, I could not say at all.

22284. Would you be surprised to hear they are very few and far between?—I should be very much surprised.

22285. (*Mr. Chadwyck-Healey.*) On page 2 of your Report you say that the conditions in Ireland hardly admit of such heroic measures as are prescribed for England. By "conditions" do you mean pecuniary conditions?—Partly pecuniary and partly the state of public opinion on such questions as restraint of marriage and so forth.

22286. Do you think that is a vital difficulty in the way of any suggestion of this kind?—I think, as to any large scheme, the success of any scheme would depend on its being in touch with public opinion.

22287. Do you think this objection arises chiefly from ignorance or from other grounds?—What was in my mind as regards restraint of marriage was that the church of the majority in Ireland takes very lively interest in those questions, and one would have to walk with a certain amount of caution.

22288. (*Mr. Byrne.*) Would you tell us what is the reason why the apparently useful county court jurisdiction of lunacy in Ireland has been so little used?—Chiefly the drafting of the Act was very defective. It professes to give to the county court judge, within the limit of property, all the jurisdiction of the Lord Chancellor, entrusted under the sign manual with the care and commitment of the custody of persons of unsound mind. If you read it literally the county court judge would have more power than the Lord Chancellor has, because the Lord Chancellor cannot deal with the person of a lunatic unless he has been found lunatic under an inquisition, whereas a county court judge could do so, under the section so interpreted.

22289. Has it never been tried?—No, some make Orders as to custody; others think they have no power to do so. Then they have no machinery for looking after the person or property. They make an Order appointing a Committee, and that is all.

22290. There is no chance of extending that to the non-certified?—No, I think not.

22291. You make a very interesting suggestion in your statement (*page 87, col. 2*); "It would be possible to confer on some judge or tribunal the power of appointing a guardian of any feeble-minded person, specifying the nature and extent of the powers to be exercised by such guardian, in analogy to the procedure in weak mind cases which has already been described." *Prima facie* that strikes one as a very useful suggestion. Could you tell us on what it is based?—I took it on an analogy to the section which you asked Sir George O'Farrell about, that is the 103rd Section of the Lunacy Act, dealing with weak-minded persons—an extension of that with a different definition. The only difficulty that I can see is the definition.

22292. When you say "some judge or tribunal" I presume you would include local judges and tribunals so as to bring the procedure to the doors?—I think so if you could hit upon the proper tribunal; it should be a very special tribunal.

22293. With the provision that it would not require anything very costly to deal with, would it? The county court judge could do it?—I do not see why the county court judge should not.

22294. Should petty sessions, do you think, have the power?—No, I think not. I think the county court judge would be the proper tribunal.

22295. None lower than the county court judge?—I I think not.

22296. Have the Poor Law authority any power by resolution to adopt a child and exclude its parents' control over it?—I cannot answer that; I do not know.

22297. That is so in England. Supposing the power existed, would you think it a useful one for dealing with the feeble-minded?—I think it would be.

22298. On the same page (*page 87, col. 2*) you speak of a class of patients who are very frequent—"namely, the patient who is sane in an asylum and insane at home" or anywhere outside the asylum, in the police station sometimes. You heard Sir George's evidence about that, to the effect that it was difficult to deal with, and that he thought some steps should be taken to prevent their discharging any cases, although they were sane and ready for discharge apparently but liable to relapse. Do you agree with that?—I do certainly. I think it might partly be met by a power in the superintendent of the asylum of boarding a patient out, provided he could recover the cost of the maintenance.

22290. That is one of the cases where you would decidedly recommend boarding out?—Yes; I know a great number of cases where it would be very useful.

22300. In some cases it would be a case of boarding-out with their own relatives?—Yes.

22301. Practically it would be an enlarged system of discharging on licence?—Yes.

22302. I presume you would take them back from the boarding place the moment they shewed signs of failure?—Yes; I think they should remain under the supervision of the asylum medical officer.

22303. Do you think that would be specially applicable to the weak-minded class?—I would describe most of these people as belonging to the weak-minded class. They are, very many of them, patients we receive in an asylum now because the medical officer has no power to refuse; they are committed on a magistrate's warrant. He has to take them. They go out again and are committed again. He has no option; he has to take them.

22304. In fact there are a large number of people of defective mind for whom the asylum is not suitable?—Yes.

22305. Boarding out, and other institutions of a hospital character, would be useful?—Yes.

22306. If industrial schools for defective-minded children were started and subsidised by the Government, would you recommend that they should be only for people up to the age of eighteen?—I should say longer.

22307. Or could they be attached to a farm or colony to which they could be drafted at a certain age?—I think that would be desirable. I was not contemplating the existence of a colony, but only training the children until they were fit to take their part in life. I was suggesting keeping them till twenty or twenty-one.

22308. But if at that time they were still incapable of maintaining themselves in the world in decency, the training would be wasted?—It would.

22309. There is something called for; do you think it would be a good plan to have a sort of adult *annexe* to the school in which they were brought up to keep them all their lives?—I think so.

22310. Or would you have it in a separate place?—I would have it in a separate place, I think; but it is a subject I have not considered.

22311. Industrial schools are economically run in Ireland?—Very economically.

22312. Their effects are good?—Very good, as far as I have seen.

22313. They relieve juvenile crime and misery to a great extent?—Yes, they make a marked improvement both in the physical and mental condition of the child.

22314. Do you think it would be worth trying to give them this additional power of maintaining adults who are not fit to be at large, and let them see what they can do?—No scheme has occurred to me by which that could be reasonably done in Ireland. I think it would be very desirable if it could be done.

22315. What sort of Government grant did you contemplate when you talked about the capitation grant?—I

**Questions 22316 to 22319.**



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should think the same grant that is given for the industrial schools. These schools would undoubtedly cost more. The training would be more special and it would require a good deal of land.

22316. And there would be no industrial results ?—No. There are not very great industrial results in industrial schools as far as finances go.

22317. (*Mr. Hobhouse.*) "In your statement you say: "In this connection it is to be noted that for insane or feeble-minded persons with small incomes (under, say, £50 per annum) there is practically no suitable accommodation in Ireland." Does that refer to charitable or to public institutions, or to both ?—It refers to both. There is no place where, if you have a person who is insane or on the border line of insanity, you can put him, except the district asylum.

22318. I want you to put the insane on one side. We are dealing with defective-minded. There is no institution public or private, for the defective-minded, in Ireland at the present moment ?—No.

## EDMUND BOURKE, Esq., called; and Examined.

*Edmund Bourke, Esq.*

Mar. 1906.

22319. (*Chairman.*) You have been so kind as to give us a statement of evidence: may we put it on our notes ?—Certainly. There is one little correction. I stated that the Stewart Institute was altogether Protestant. I have found out since that theoretically Roman Catholics are admitted, but religious instruction has to be given on purely Protestant principles; so although they have a few Roman Catholics in it, it is really practically Protestant.

STATEMENT OF THE EVIDENCE PROPOSED TO BE GIVEN BY EDMUND BOURKE, ESQ., GENERAL INSPECTOR OF THE LOCAL GOVERNMENT BOARD FOR IRELAND.

In charge of Waterford District from 1886 to 1891;
" " " Limerick District " 1891 to 1903;
" " " Dublin District " 1903 to 1906.

The imbecile and feeble-minded in Ireland may be divided into four classes.

1. Those detained in the few private establishments that exist.
2. Those who are inmates of the county asylums.
3. Those accommodated in workhouses.
4. Those who are under no recognised control.

The establishments referred to in the first category are, as far as I know, with one exception intended for the use of comparatively well-to-do persons. The exception is the Stewart Institution in Dublin, in which about 100 Protestant children of defective intellect are cared for,* and to this institution a small number of pauper children are sent by Guardians of various Unions, at a cost of 5s. a week per child.

With regard to the second class I am not in a position to give any evidence, beyond mentioning that a comparatively small number are admitted from workhouses for short periods, and then discharged back again to the establishments from whence they came, only, in many cases, to be re-admitted after an interval.

The third class is the one regarding which my official experience in sixty-four Unions out of the 159 in Ireland, enables me to speak with some authority, and it comprises about 3,500 persons excluding those not classified as insane, or nearly a sixth of the total contained in classes 2 and 3.

The fourth class is one about which no precise information is obtainable, and any evidence that I may be able to give concerning it can only be regarded as conjectural views that my general knowledge of the country has led me to form.

District lunatic asylums were first established by statute in Ireland in 1817, and a number of amending or extending Acts subsequently came into force. In 1868, owing in some measure to an Act prohibiting the sending of dangerous lunatics to the common gaol and requiring that they should be placed in asylums, a difficulty was experienced in providing sufficient accommodation in these institutions. The large number of persons of unsound mind at present accommodated in workhouses is attributable in a great measure to the congested condition of the asylums, and it may be divided into two distinct classes:—

(*a.*) Inmates classified as lunatics or idiots, who as a rule are confined in special quarters and looked after by paid or pauper attendants:

(*b.*) Feeble-minded inmates who are not so classified and who are allowed to mix with those of sound mind.

The former is the larger class, if the very old persons suffering from senile decay are excepted, and is one with which it is most difficult to deal. Some of them are often dangerous and many of very dirty habits, requiring constant care and supervision, which they seldom receive; their condition is hardly ever satisfactory and is frequently most deplorable. Even in cases where Guardians are disposed to act generously towards these unfortunate people, it is impossible to arrive at satisfactory results, which could only be obtained, under existing circumstances, at an expenditure far in excess of that incurred in asylums. The second class comprises a considerable number of children, some adults (male and female) who often do a great deal of useful work, and many very old people.

One great drawback to the present system is that Guardians have no power to detain these inmates in the workhouse, and therefore, except in the case of about 120 persons who have been transferred from asylums to workhouses in accordance with the provisions of Section 9 of the Lunatic Asylums (Ireland) Act, 1875, any of them can claim their discharge on giving three hours' notice. The result of this is in many cases very unfortunate. Feeble-minded girls leave the workhouse and return again in a short period pregnant. A child is born and again the same thing happens, and in this way a half-witted girl sometimes becomes the mother of three or four children, who as likely as not are themselves of deficient mental capacity. The Guardians are powerless to prevent this, as, even if adopted by them, their control over a girl ceases on her reaching the age of eighteen. Another not uncommon evil, arising from a want of the power of detention, is that insane persons, who under certain conditions may become dangerous to themselves or others, can at any time leave the workhouses. I remember one case of this kind where a man used, immediately on taking his discharge, to walk down to a neighbouring line of railway and stand on the permanent way, and it was only after narrowly escaping with his life on two or three occasions, that he was permanently lodged in the asylum. The class of feeble-minded inmates for whose treatment no proper provision at present exists and whose case is perhaps the most pitiable, inasmuch as with proper care their mental condition might be considerably improved, is that of the children. These as a rule are allowed to mix with the paupers of sound mind, and generally attend the schools, but the teachers cannot devote sufficient time to them without neglecting the interests of other pupils, and so, instead of benefiting by any instruction they may receive, they become, as far as my experience goes, less and less intelligent, until eventually, on reaching the age of fifteen or sixteen, they are transferred to the lunatic ward, where they are condemned to pass most of the rest of their lives.

As regards the majority of the old people whose minds are affected, their condition does not, I think, call for any great reform; they are probably made as comfortable as their circumstances permit, and the same may be said of the able-bodied working adults, though in their case some power of detention might with advantage be conferred on the Guardians.

There is one small class to whom I have not yet referred, the sane epileptics. These number about 400, and as a rule are allowed to mix with the other sane inmates.

It is only too obvious to any one who has had an opportunity of inspecting them, that Irish workhouses, under existing management, are most unsuitable places for the accommodation of persons of unsound mind, and that the conditions of the latter at present housed in these establishments is in many instances disgraceful. From

* *Vide* Q. 22319 *supra.*

time to time the legislature has passed enactments with a view to improving the condition of these unfortunate persons, as, for instance, the provision made in Section 9 of the Act of 1875, to which I have previously referred, whereby, upon voluntary agreement entered into between Boards of Guardians and Boards of Governors, the latter can pay the former for the maintenance of lunatics who are not dangerous. A subsequent Act passed in the year 1878 empowered Guardians to send idiotic or imbecile paupers to the workhouse of any other Union, or to contract for their support in any public or licensed asylum, provided that the cost did not exceed 5s. a week. This section has remained almost wholly inoperative, on account of the absence of institutions prepared to receive inmates on such terms.

Again, the Local Government (Ireland) Act of 1898 empowers county councils to take over workhouses and other buildings for the purpose of providing auxiliary asylums for chronic harmless lunatics, and a sum of 2s. per week may be paid out of the Local Taxation (Ireland) Account, in respect of the cost of maintenance of each person maintained in such an establishment. The Cork County Council have availed themselves of this provision to establish such an institution, which now contains 266 inmates transferred from the Cork asylum, and 144 transferred from the various workhouses in the county.

Section 76, Sub-section 2 of the same enactment, empowers the Local Government Board to amalgamate Unions with a view to placing workhouses at the disposal of County Councils to be used as auxiliary asylums, but though various proposals have been made with regard to amalgamation, it has been found on inquiry that any attempt to give effect separately to proposals of this nature would probably be productive of inconvenience in other ways. The question as a whole will no doubt be dealt with in the forthcoming report of the Viceregal Commission on the Irish Poor Laws.

While all persons who have considered the subject agree in thinking that the present system is undesirable, there is a great difference of opinion as to what alternative method for the care of the imbecile and feeble-minded class should be adopted. Personally I am inclined to favour the establishment of intermediate institutions such as those contemplated by Parliament, when approving of the provisions of Section 76, Sub-section 2 of the Local Government (Ireland) Act, 1898. An average of less than one such institution in each county in Ireland would easily contain all the persons of unsound mind now located in the workhouses, excluding those whose condition renders them fit subjects for the district asylum, and it would leave room for the accommodation of additional members of the feeble-minded class who are now under no control, and whose friends would probably take the opportunity of placing them under the restraint so provided, especially if by payment of a small weekly sum the taint of pauperism could be avoided.

There remain for consideration the sane epileptics, and the children, who, although provision could be made for their reception in the intermediate institutions previously referred to, could probably be better placed elsewhere.

As regards the former class, the question of providing for them in a separate institution has already been under consideration, and in the year 1901, the Local Government Board issued a circular with a view to eliciting whether Guardians would be disposed to take advantage of such an institution if established. The replies showed that some Boards of Guardians approved of the scheme, whilst others disapproved of it or declined to take advantage of it, and the general result was that in the absence of specific information as to the cost that would be incurred in sending patients to the proposed institution, most Boards felt unable to give any definite undertaking to support it, and the project has not up to the present been proceeded with. Two such Homes would afford ample accommodation for all the sane epileptics now located in the Irish workhouses.

With reference to the children, no express provision has been made by statute for the education of the mentally deficient or backward children in Ireland. A Bill with this object was introduced last Session, but did not become law. With the exception of the Stewart Institute, there are, as far as I know, no Homes in which this class can be maintained and educated at a moderate cost, and the want is one that is very apparent, not only for the pauper feeble-minded children, but also for those of the poorer classes who now live with their relations. Except in the case of the well-to-do, children of defective mental capacity, in or out of the workhouse, have no opportunity of improving their condition, and as their want of intellect is frequently combined with considerable physical strength, they are often from an early age employed as domestic drudges. For this reason the boarding-out system can seldom be resorted to with advantage in their case, and if separate schools could be provided for their reception, it would, in my opinion, be an enormous advantage. Here again the difficulty is one of ways and means, for in many of the poorer districts in Ireland, where the rates are already very high, Guardians would grudge an expenditure of even 5s. a week per child, and the poor classes could not afford to make such a payment. I am not without hope, however, that a scheme for the establishment of such an institution would have a chance of success, and would command the support of private charity.

22320. (*Mr. Dickinson.*) I see in your statement you say "Personally I am inclined to favour the establishment of intermediate institutions such as those contemplated by Parliament when approving of the provisions of Section 76, Sub-section 2, of the Local Government (Ireland) Act, 1898. An average of less than one such institution in each county in Ireland would easily contain all the persons of unsound mind now located in the workhouses, excluding those whose condition renders them fit subjects for the district asylum, and it would leave room for the accommodation of additional members of the feeble-minded class who are now under no control, and whose friends would probably take the opportunity of placing them under the restraint so provided, especially if by payment of a small weekly sum the taint of pauperism could be avoided." I do not understand what you are proposing. Where would room be left for the accommodation of additional members of the feeble-minded classes? Your proposal is that under this Local Government Act of 1898 the county council should establish what you call intermediate Homes?—Yes.

22321. That is to say Homes which are neither asylums nor workhouses?—Yes.

22322. Those would take out of your workhouses the feeble-minded of whom you have spoken already, who are, most of them, in the workhouses now?—Yes.

22323. When you say it would leave room for the accommodation of an additional number, what do you mean?—I mean that one in each county would provide so much room that there would be plenty of accommodation, in addition to the persons who have been removed from the workhouse, for outside people who are now under no control.

22324. You do not mean, leave room in the workhouse?—No.

22325. Then it comes to this: you mean to say that if a county made one institution, they could naturally make it large enough to hold not only the feeble-minded that are at the present moment in the workhouses, but others?—Yes.

22326. You have no idea how many others there are who are not in the workhouses? You do not attempt to make an estimate?—I could not. I have had occasion to get a sort of census of the people down in certain small districts for other reasons, relief of distress and old age pensions and things like that, and in those returns that I got from the relieving officers the latter did put down the feeble-minded, because they had to give me a return of every member of the family; but I do not think that the information was very reliable.

22327. Could you form any rough idea; were they equal to the number that you knew of in the workhouses?—I should say that of the feeble-minded class in all probability there are an equal number outside. I am making a distinction between feeble-minded and idiots and insane—the people who are what we call "silly."

22328. In this one instance where this Act has been taken advantage of by the Cork asylum I understand you to say that there they have an establishment in which they accommodate 266 inmates. What are those inmates—266 from the Cork asylum and 144 from the workhouses—are those 266 lunatics?—Yes, they are certified inmates of the asylum, but they are, I presume, of the chronic class, not

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acute, and they send them to this institution so as to make room for more acute cases in the asylum.

22329. So that the Cork asylum is for the acute cases now?—As far as possible. I should think that it is not sufficiently large to accommodate all the chronic cases—"chronic" is not the right word—but the milder cases. I do not know exactly what the statistics for Cork asylum are, so I should not give an opinion.

22330. Are the 144 who come from the workhouses certified?—When once they get to the asylum they have to be certified, but there is no such thing as a certified lunatic in an Irish workhouse. They could not be certified until they get to the asylum, except just 120 who are sent from the asylum as paying patients to workhouses. These latter remain certified under the Lunacy Act.

22331. Can you tell us why these 144 are not certified? Is it because they were not suitable for certification, or because they could not be sent to the asylum, there was not room in the asylum?—Probably they had no room for them in the asylum; in fact I am pretty certain they had not in some cases. Occasionally, when Guardians send lunatics to an asylum they are sent back to the workhouse.

22332. It was not because they were not suitable for being certified?—No.

22333. But they are people as to whom there was not at all a pressing necessity to send them to the asylum, so they were kept in the workhouses?—Yes.

22334. This Act is an optional Act?—Yes.

22335. Do you know anything about how it came about that the Cork people did carry this Act out, because they are the only people in Ireland who have done it, I understand?—I think it was largely through the Roman Catholic Bishop of Ross, who was very anxious to have this intermediate sort of Home instead of building an addition to the asylum. I believe that was the case.

22336. It was more from a desire to relieve the asylum than to institute a new system of Homes for the feeble-minded?—Yes, I think it was simply to provide accommodation for the existing persons—the idiotic and insane, now accommodated in the workhouses and the asylum, and to make more room so as to get more people out of the workhouses.

22337. If this idea is to be carried into practice would it be necessary, in your opinion, to make it compulsory on county councils to provide this accommodation?—I think it would in certain cases. Of course, it is compulsory on them now to make provision for all the lunatics.

22338. For those who are certified?—Yes. I do not think the Local Government Board Act states that; I mean that I do not think it defines clearly what is meant by being certified.

22339. If it is obligatory to have to make provision for all certified lunatics, how is it the Guardians in the workhouses do not certify these people and put them forcibly on to the county?—I am afraid we do not always do in Ireland what we are bound to do by law. The county councils have not done it. The accommodation is not there in a great many cases.

22340. I suppose you would say that if it is not made compulsory the probabilities are very small that this scheme of providing Homes for the feeble-minded will be carried out?—I am not quite certain about that, because if any large well-arranged scheme were submitted to county councils I think the Local Government Board by persuasion could get them to do it provided the cost were moderately reasonable. What prevents their action now is that they cannot calculate what the cost would be.

22341. Have the Irish Local Government Board done anything to persuade these county councils to carry out this Act; it is seven years since this Act was passed?—They did issue a circular to county councils in 1901 or 1902—I have not got it here though I brought it over with me—pointing out what powers the councils had and what they ought to do, but just three years ago a Vice-Regal Commission was appointed, which will report, I think, at the end of April. The terms of reference deal very largely with amending and improving the Poor Laws, and the Local Government Board have not taken any further steps pending the report of the Commission.

22342. (*Mr. Byrne.*) What is the opinion of your department as to the general state of affairs in Ireland arising from the imperfect provision made for defectives? Have your department considered that a great evil exists?—I did not consult with the Commissioners before I came over, purposely, because one member of the Board is Chairman of the Vice-Regal Commission, and I could not very well ask him to tell me the substance of the report that is shortly going to be submitted to His Excellency.

22343. We will have the benefit of that later?—You will have that later on. So my opinions must be taken as my own now, and not as those of the Board generally.

22344. It is this opinion that I would like to have?—I think undoubtedly the existing accommodation for the feeble-minded is most deficient. There is practically none at all.

22345. Do the evils one would expect from that want of supervision stare you in the face? Are there many people falling into prostitution and crime and causing misery to their families?—There is a certain amount of prostitution of the feeble-minded class, but it is not very large, as far as I have been able to gather from statistics.

22346. Is there a marked drifting of the degenerates of the population into the slums of the big cities?—No, I do not think there is.

22347. That is borne out by the larger number of feeble-minded persons in the entirely rural and healthy districts, is it not?—Yes.

22348. To what do you attribute the greater number of imbeciles to be found among the purely rural population in Ireland?—I think in some cases where the people are not very poorly off, in certain districts in Ireland, they do not send their lunatics into any asylums. Therefore, they do not come under any control and therefore there is no account of them.

22349. Could they do it in these remote country places?—Yes, except where they are very poor and badly off.

22350. They are more inclined to get rid of them?—They are more inclined to get rid of them then.

22351. So you do not think that it necessarily means any larger percentage of mental defect?—I do not think so.

22352. Is the evil with which we are dealing regarded as a very serious one by administrators in Ireland. Do judges refer to it, and do learned medical bodies discuss it, or is it practically an unknown question in Ireland?—You hear it occasionally referred to, but I do not think it excites a very large amount of popular interest. You hear that lunacy is increasing; one persons says it is tea, anda nother person says it is drink, and so on, but I do not think it is a very burning question.

22353. So that there would be no enthusiasm on the part of local authorities in launching out into new expense?—No, I do not think so.

22354. I should like to ask a few details about a few things which have been recommended in England, to see if you would recommend them in Ireland. Do you think imbeciles and feeble-minded persons should be removed entirely from workhouses?—No, I think there is a class that might possibly be left there; they are the people who are doing the work in the workhouses——healthy able-bodied people who are feeble-minded, but they help in washing and they do work in the garden, and are probably just as happy there as they would be anywhere else; so I do not think it would be necessary to remove them.

22355. Nor the senile dements?—Nor the senile dements, provided they were quite quiet.

22356. Would you remove all the children?—Certainly, every one of them.

22357. Do you think it is a great evil, their being there now?—A very great evil, I think.

22358. Which results in injury to the community afterwards?—I think it must.

22359. You have told us you would like certain powers to detain paupers who now go in and out?—Yes.

22360. Would you apply that to feeble-minded women coming into the maternity wards?—Yes.

22361. Would you apply it to people who habitually

render themselves chargeable to the rates from inebriety or frequent drunkenness ?—Yes.

22362. Certainly if the drunkenness was due to feeble-mindedness ?—I think so, certainly, in a case of that sort, where they are doing themselves harm, and liable to do their neighbours harm.

22363. If colonies and other institutions suitable for detention existed, would you give the Guardians, the Poor Law authorities, power to get people sent to these colonies? —Yes.

22364. To get them taken before the magistrate and committed ?—Yes ; of course in the case of children the Guardians would exercise their powers of adoption, and they could send them there. There is power for them to send, in the case of children, if they adopt.

22365. They have power to adopt children ?—Yes, it is the same law as in England, I think, up to eighteen. They can take girls up to eighteen.

22366. Do you think that system of adoption one that might be usefully employed in dealing with feeble-minded children ?—Undoubtedly, but it would not include all the cases, because you can only adopt under certain circumstances.

22367. Would you freely adopt it where parents were showing themselves not alive to the importance of having their children under proper care ?—Yes, and I should be inclined to increase the powers of Guardians to adopt—to make them broader than they are at present, so as to cover cases of that sort.

22368. There is no boarding-out of the feeble-minded in Ireland; is there much outdoor relief given to people in respect of feeble-minded children ?—That I cannot quite answer. In our yearly returns is shown the outdoor relief given to the feeble-minded, but I think that means the head of the family being feeble-minded. I could give you that figure, but it would not cover the feeble-minded in the families where the head of the family was not feeble-minded.

22369. Should you think in general that in cases where outdoor relief is given there are many in which it is given in respect of the feeble-minded child because that child or young woman or young man cannot earn a living and is a burden on its parents ?—No, very few.

22370. So there is no occasion to prohibit that sort of thing ?—No ; I think mostly in these cases you would find it is given to the person direct.

22371. I suppose in Ireland, as in England, there is a great difficulty in getting uncertified imbeciles dealt with by relatives who are not paupers but still who are not rich. Supposing a respectable working man has an imbecile daughter. He is getting, we will say 25s. or 30s. a week. When that child gets to a certain age he would like to have her put under care. Would the Guardians receive that child and deal with it, in Ireland ?—No. They might take it in as sick and give it relief by way of loan, but they can only take people either sick or destitute. They cannot take lunacy or feeble-mindedness into consideration.

22372. They would not call permanent feeble-mindedness sickness. They probably would not deal with it in that way ?—If they were friends of the man they probably would.

22373. Would you recommend any change in that; is there an evil that requires a remedy there ?—I think if you had these intermediate Homes started, I would then suggest that persons should be able to put their children into these, paying a certain amount.

22374. Paying what they could ?—Paying what they could.

22375. Would you have that decided by a magistrate making an order as in an industrial school case, or would you leave it to bargaining ?—I think to bargaining.

22376. Do you think it is important that what a man can pay should be got from him ?—I think it is more important that the child should be got into the institution. The contribution would be very small in all probability. Of course, there might be other institutions for children in addition to those which I have suggested in my statement. There are religious communities in Ireland who would, I think, if they got sufficient encouragement in the way of subsidies, start schools of that sort; and, certainly, in the south of Ireland, people would be only too glad to send their children to such convent schools. I am only giving a general opinion ; I have no certain knowledge, but I think with very little encouragement such schools could be started.

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22377. They would be then something on the system of industrial schools ?—We have two district schools : one at Glin, the other at Trin, where the Boards of Guardians—half-a-dozen, about, in each case—combined and got an old workhouse that had been closed in one case, and a disused jail in another, and established district schools. Glin is run by the Sisters of Mercy on the female side, and by the Christian brothers on the male side.

22378. (*Chairman.*) For feeble-minded ?—No, ordinary children. I mean a Poor Law school. People will come into the workhouses, almost, to get their children sent to Glin school. Perhaps that is not very desirable, but it shows you that there would not be any objection on the part of parents to sending their children to such a school.

22379. (*Mr. Byrne.*) That is the case in which religious Orders are apt to suffer, by local authorities not running the schools themselves ?—Yes.

22380. The other system would require grants from the Treasury ?—Yes.

22381. The school would belong to the Church, or the religious body, and the Treasury would subscribe ?—And the rates.

22382. That corresponds with the industrial school system ?—Yes.

22383. Have you formed a rough idea of what would be a fair contribution towards the support of the school if it were more or less confined to the feeble-minded ?—You mean that class of school not under the local authority—the private school ?

22384. Yes; how much assistance would it take to run such a school ?—One does not like to bind oneself. I know a community once offered to take ordinary children for 5s. a week per head. That was not for the feeble-minded, for whom probably they would consider they ought to be paid more, because there would be additional expenditure for the feeble-minded.

22385. Was it 5s. a head from both Government and local authority ?—No, 5s. a head altogether; that was an offer made and not accepted.

22386. So that, without going into detail, it might be done very cheaply ?—I think so ; at least, far cheaper than it could be done in the lunatic asylum.

22387. You have not started any special schools for defectives ?—No.

22388. You have not got the law ?—No.

22389. Is it likely to become law soon ?—I do not know that there is any Bill pending.

22390. There has been a Bill ?—Yes, but it was blocked last session.

22391. Do you think there is much call, in Ireland, for a special mode of dealing with defective children, or do you think the religious schools which you have suggested would meet the whole difficulty ?—I would sooner see some Act passed. Of course there is now no power at all to deal with them even in that way. The ones that are under the Guardians' control you could deal with if such schools were established ; but you cannot get at the people outside.

22392. There would have to be some way of sifting them out from the healthy children ?—Yes.

22393. So that an Act on the lines of our Special Schools Act might be valuable ?—I am afraid I do not know very much about the Act you have referred to ; I have seen it, but I have not studied it. I presume the conditions are pretty much the same, so the Act ought to be pretty much the same.

22394. (*Dr. Dunlop.*) On the question of special classes for children, do you think they are really very desirable ? Have you considered the matter much ?—You mean, to have the children separated in schools ?

22395. Yes ?—I do.

22396. Are you aware it is an enormously expensive matter ? You have made a very strong claim that there

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should be institutions started for the more necessitous cases of imbecility ?—Yes.

22397. Which is the greater claim in Ireland—the increase of institutions, or the starting special classes ? If the money could be spent in one of two ways, which is the greater call ?—I do not quite understand. If you make provision for adults in one institution I do not see why you should not make provision for the children in another. Perhaps I do not quite take your point.

22398. There are two suggestions for dealing with children; the one is to put them into institutions for training; the other is to train them in special classes ?—That is in private ?

22399. No; in public schools, in special classes. Have you considered that matter—the relative expense of the two, and whether the money would be better spent in one direction or in the other direction ?—Just to keep them in the school and to keep them in one separate class ?

22400. Yes ?—I think I would sooner have them all in one class; the numbers are not very large. If you take workhouses, the numbers of feeble-minded children are not very large, and to have a separate class for them would involve, I think, considerable expense. In some cases you have two or three. For instance, I took twenty Unions that I happened to know, and whose officers I thought would give me fairly reliable information as regards the children and the other lunatics, not classified, of whom we had no returns, and in those twenty Unions there were thirty-three children who were not classed as idiots or lunatics.

22401. Were those in workhouses, or outside ?—In workhouses.

22402. The workhouse cases, you think, ought to be brought together into a central institution ?—Yes.

22403. What about cases outside the workhouse ? Let us consider Dublin and Belfast; there must be a large number of imbecile children living at home ?—I said that if you started your institution for the workhouse children I thought you would find there would be plenty of room for the outside children as well; therefore it would be a cheaper method to send them in with the others if you could get them. You have no power at present to enforce their going into a school.

22404. It is very much more desirable in your opinion that they should be relieved in that manner, rather than be taught so many hours a day in a special school ?—Yes, it is.

22405. Money spent in that way will give more general relief ?—I think it would.

22406. You mentioned just now the power of detaining children in such an institution; is it required at all; is there any necessity for having compulsory powers of detention ?—I think there is, for this reason, that occasionally you will get parents who will say they would like to have the children out for a bit, and they would take them out. Then they would want them to be sent back again. For that reason I think you want power of detention to stop parents doing foolish things with them.

22407. To protect them against the parents; but as regards the child, there is no special power of detention required, is there ? The child cannot claim its release ?—No.

22408. To protect them against the parents ?—To protect them against the parents. Of course, as I said just now, in the case of adoption by Guardians, that does not come in, because the Guardians would have the power.

22409. Your statement refers to the existence of other institutions for imbeciles in Ireland beyond the Stewart Institution, where the children of rich people are sent ?—I only know two or three places where they take people in.

22410. Can you tell us ?—I am afraid I cannot give you the names at present. There is one near Dublin where they take some, but that is for people who pay £100 or £200 a year.

22411. Are they under any supervision or control as a guarantee of good treatment ?—I suppose they must come under the inspectors of lunatics. They do not come under the Poor Law in any way, so they do not come within my ken.

22412. You believe they do exist ?—Yes, two of them.

22413. You rather deplore the fact that the feeble-minded, as they grow up, become domestic drudges ?—Yes.

22414. That means they are turned on to do a lot of household work ?—Yes.

22415. Is not that the very best possible work to which they can be put ? We have been told, on all hands, that work is the best possible thing for them ?—Yes; but I do not think work at the end of the stick is. There was a case in Blackrock the other day—the woman is being tried for murder now—of the most ghastly treatment of a feeble-minded girl. She came from some place, I do not know whether it was a workhouse, and for months people heard yells and screams, and there was a most ghastly account when it came out; she killed the girl eventually by beating her. That is really what I meant. That is an exaggerated case, but when it comes to letting a child out, a child or an adult who is feeble-minded, they get a great many more kicks than the person who is able to go and complain about it, and they stand a great deal more. I know our lady inspectors of boarded-out children always keep recommending us to urge Boards of Guardians not to board out any feeble-minded children, and we try to stop them as far as possible.

22416. It is done, though, at present ?—Yes; they can board out any children they like in the ordinary boarding-out way. There are about 2,500 children boarded out in Ireland, and some of those are feeble-minded, but we have had occasion to requisition the Guardians, in more than one case, to take back children from the people with whom they have been boarded out on account of the reports of our lady inspectors who have gone round and found them neglected or ill-treated.

22417. To come back to the point: when you deplore their being domestic drudges you rather refer to the means they use to make them work than to the doing of the work ?—I think there is a distinction between a drudge and a worker.

22418. What is the relation of the Poor Law in Ireland to mental defect ? Is mental defect a ground for Poor relief in Ireland ?—No, unless it is the cause of destitution.

22419. What are the grounds of poor relief ?—Mental defect may be the ground of out-door relief; people who by reason of mental or bodily infirmity are unable to earn their own living. They must be destitute, of course, or else they would not get the relief; but if they are destitute by reason of mental defect, they can get out-door relief. Of course any destitute person can claim admission to the workhouse.

22420. Whether he is insane or lunatic ?—If he is destitute he is bound to be admitted.

22421. You are allowed to take any insane and lunatic destitute persons ?—We are allowed, because they come in as destitute. If they claim their own discharge they can walk out of the workhouse in three hours.

22422. In Scotland, before admitting any inmate to a poorhouse there must be a certificate that that person is not a lunatic or a person of unsound mind, or an idiot; you have no such restriction ?—No. There are in consequence some very deplorable results now and then. One happened last June. A man was sent in by the dispensary medical officer with the usual note. The man was brought in with the note, and he was classified as insane, or at least placed in the lunatic ward, and three days afterwards he killed four men with a shovel.

22423. Mental defect is ground for outside relief ?—Yes, out-door relief; that is, if you are destitute by reason of it. You have to be destitute by reason of your mental defect.

22424. Now we come to a person who has commencing insanity, loses work, and is consequently destitute. We are told it is not part of the duty of the medical officer of the dispensary to grant a certificate to that person—it is not part of the duty of the dispensary medical officer to certify relief for such a person ?—No. He should, of course, state it, if the person is being sent into the workhouse; that is what the dispensary medical officer in the instance referred to did not do, and the Local Government Board told the Guardians that he was very much to blame, and requested them to censure him for

not making it plain, on his note that he sent in, that this man was insane.

22425. The point I am making is this: we are told one of the reasons why these defectives are not certified in the ordinary way is because they cannot afford the certificate. I understand all dependents are entitled to medical relief in Ireland. How is it that they cannot get this particular form of medical relief, namely, certification ?—Who said that ?

22426. It is in Sir George O'Farrell's statement: "The necessary action must be taken by a relative or friend of the lunatic, and, as this involves the payment of a fee to the certifying medical practitioner, it presents a serious bar, in the majority of cases, owing to the poverty of the parties concerned" ?—That is to send them to the asylum, not to the workhouse.

22427. How is it the poor people do not get this particular form of medical relief, namely, certification ?—That I cannot answer. In a way they do. For instance, the Poor Law pays it in a great many cases. If the person is destitute, the magistrates can certify payment up to £2 to the doctor, and they give a certificate which is payable by the Poor Law Guardians. The police or the relatives of a destitute person, or anyone else, can make an affidavit, and the police take him up, go to the magistrates, and the magistrates come and meet the dispensary doctor, and the magistrates have power to allow a fee to the dispensary doctor not exceeding £2, and that fee is payable by the Board of Guardians.

22428. But in the ordinary case it is not part of the ordinary Poor relief in Ireland—the giving of the medical certificate ?—No.

22429. You cannot tell me why that is ?—I cannot tell you.

22430. Regarding the defectives and lunatics in workhouses, they are not kept altogether separate from the other inmates, are they ?—No; they are in some cases. There are two kinds, the ones who are classed, and the ones who are not classed. Roughly speaking the feeble-minded who are not classed are about half as many as those who are classed.

22431. Do you think it is a hardship upon the sane inmates of a workhouse to be classed along with those insane or defective people ?—I think it depends a great deal upon the character and nature of the insane inmate, but in a great many cases it is, undoubtedly; they make a noise at night and so on.

22432. Some of them are dirty, and you told us just now that some of them are exceedingly dangerous ?—Yes.

22433. It is a great hardship on the sane persons to be shut up along with them ?—Yes. Of course the dangerous ones, or the ones at all liable to harm themselves or anybody else, or the very offensive ones, are nearly always put into the lunatic wards and kept separate. Those wards have yards and everything separate.

22434. Regarding this possible mixture, are there never such things as "sexual accidents" inside the workhouses ?—Yes; very rarely.

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22435. How many would there be in ten years, say, in Ireland; would there be two a year ?—Not more, I think, inside workhouses.

22436. There will probably be two per year ?—Possibly. I do not like to tie myself, really; I have not thought the matter over. Occasionally during one's work a case crops up. There is a charge made sometimes, but it is generally very difficult of proof.

22437. They are certainly not unknown ?—Not unknown.

22438. The reason why I brought up that point is that Sir George O'Farrell was rather doubtful of the suitability of boarding-out on account of these sexual accidents, but you give it as your opinion that they occur in workhouses too ?—Very rarely.

22439. It is very rare outside, but they exist in the workhouses as well ?—Yes.

22440. What about the supervision ? Is it the same for insane as for other paupers ?—No, the Guardians have been improving their methods with regard to this class during the last fifteen or eighteen years, and in a great many of the workhouses now they have got paid attendants.

22441. Not universally ?—No.

22442. What inspection are these people under ?—They are inspected by us at our usual half-yearly inspections, and they are inspected by the inspectors of lunatics, Sir George O'Farrell and Dr. Courtenay.

22443. Have the inspectors of lunatics any power of ordering these persons out of workhouses into asylums ?—No, I do not think they have any power in the matter. They come round and send in Reports to the Guardians, and generally send us a copy of the Report as well.

22444. As a matter of administration, do you think it right we should have the defectives dealt with by two different bodies, the one under the County Council and the Lunacy Board, and very similar cases dealt with by the Local Government Board and the Guardians ?—No. If we had intermediate institutions (this is entirely my own opinion, and may be absolutely contrary to the views of the Local Government Board) I should put them under the County Council in the same way as those in Asylums, and under the inspectors of lunatics.

22445. Do you not think it would be an advantage to bring all of them under one authority ?—I do; under the County Council and the inspectors of lunatics.

22446. But the one local authority dealing with the whole of the mentally defective and one central body dealing with them ?—Yes.

22447. It is a disadvantage to put some under the Local Government Board and some under the Cunty Council ?—I think it would be a great blessing if we could get rid of them all from the workhouses.

## Frederick E. Rainsford, Esq., M.D., L.R.C.P., etc., called and; Examined.

22448. (*Chairman.*) Would you kindly tell us how long you have been medical superintendent of the Stewart Institution ?—I am in my eighth year of office there.

22449. You had had considerable experience before then ?—Three years assistant medical officer to the Bristol Asylum, Fishponds.

22450. You have been so kind as to give us a statement of your evidence. May we put that on our notes ?—Certainly.

Statement of the Evidence Proposed to be Given by Frederick E. Rainsford, Esq., M.D., L.R.C.P., etc., Resident Medical Superintendent Stewart Institution for Imbeciles, Palmerstown, County Dublin, Formerly Assistant Medical Officer Bristol City Asylum.

Dr. Frederick Rainsford will state—

With the exception of the Stewart Institution, which is entirely supported by charitable donations, nothing is done in Ireland to improve, train, or educate the weak-minded. The establishment of the Stewart Institution is due to the want, long felt in Ireland, of some institution into which feeble-minded children capable of improvement might be admitted, and in which efforts to develop any latent mental powers existent might be tried.

*Frederick E. Rainsford, Esq., M.D., L.R.C.P.*

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The Census return of 1861 stated that the large number of 7,033 idiots existed in Ireland, being in a proportion of 1 to 825 of her population. Of this large number no less than 5,675 were "at large," 934 were in the workhouse, 403 were housed in various county asylums, and 21 were in prison.

Feeling that this state of things was a disgrace, the late Dr. Geo. Hugh Kidd, of Dublin, aided by a number of leading gentlemen, took steps for having this great want supplied, and, after public meetings were held, a Committee was appointed to obtain subscriptions. It was considered that less than £20,000 would be inadequate to found a suitable institution and to maintain it efficiently, but the Committee were able to collect little more than a third of this sum, and the fulfilment of the project seemed for a time very doubtful.

**Question 22450.**



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At this juncture of affairs the late Dr. Stewart came forward and secured a donation of £4,000, payable at his death, besides making over his interest in a well-established private asylum at Lucan, the profits arising from which were to help to maintain and carry on the imbecile institution.

This offer was, needless to say, accepted by the Committee, and they were soon able to enter on the work.

Owing to this the institution not merely got its present name, but acquired what I may describe as its double-barrelled character, viz., an institution for the training and education of imbeciles, and a hospital for the reception of patients mentally affected. The profits of the latter department are devoted to the upkeep of the imbecile institution.

The Committee, after accepting this offer, acquired premises in Lucan in close proximity to Dr. Stewart's asylum. They were fitted up to accommodate thirty-five cases, and in July, 1869, the institution now known as the Stewart Institution was opened with twelve recently-elected cases.

At the outset the Committee was fortunate in securing the services of the late Dr. Pim to superintend their new institution. It is not for me to dwell on the value of Dr. Pim's work here. I can only say that it was characterised by judgment, keen administrative power, and marked ability, and for almost thirty years he devoted all his time, talents, and abilities to the welfare of his patients. The institution is indeed a monument of his work, and of him truly may it be said "*Si quaeris monumentum circumspice*"

After carrying on the institution at Lucan for some years under great difficulties owing to unsuitability of premises, the Committee became the purchasers of Palmerston House and grounds.

The adaptation of these premises demanded an outlay of a considerable sum of money, and for the time being only two-thirds of the accommodation designed was completed. In 1879 the institution removed from Lucan to its new quarters.

The demands for admission continuing to increase, as soon as sufficient funds were collected to warrant the step the Committee lost no time in setting to work to complete the building, but funds were hard to get, and many years elapsed before the complete building was in full swing.

Great credit is due to the devotion and keen business ability shown by the Managing Committee, assisted by the able Secretary, Mr. O'Neill, who for over thirty years has with liberality tempered by prudence managed its finances, and now to-day we are in the proud position of being able to say that we have the entire building in full work and practically free from debt.

Since it was first opened 466 imbecile children have been admitted. Of this number 129 died in the institution, 234 were discharged, and we have 103 inmates remaining in the institution.

Of those discharged a large percentage were so dealt with, their term of election having expired, or they were considered unsuitable, but a fair proportion were removed so much improved that they were in a position to earn a livelihood, or else to be so useful in their home that their presence was desirable. One, after a stay here of eighteen years, was promoted to be an attendant, and has for four years discharged his duties with great efficiency.

Bearing in mind that we have only fifty-six male inmates, of whom about thirty are practically unable to do anything, it will readily be seen that the number available for any specialised manual instruction is very limited when the multifarious duties connected with the cleaning of a large institution with a limited staff have been discharged. We are, however, able to get a good many fibre mats made during the year, some tweed woven, and a good deal of small repairs in the tailoring and carpentering departments done.

Nearly the entire upkeep of the grounds around the institution, exclusive of the farm, is done by the boys, while the girls do a good deal of work in the laundry and kitchen in addition to knitting, sewing, and darning. While it would of course be very pleasant to be able to show well arranged workshops in various trades, presided over by skilled artisans, and supplied by boys learning their respective trades, the cost would be far beyond our resources, and we have to rest content with trying to get the inmates to do some sort of work, however small and insignificant, believing that all work has its value as mental exercise, and that to teach any one of them to do anything, say to polish a brass tap, is to have done something towards his mental betterment.

I subjoin above note (written some time ago), as it gives an idea of how the institution of which I have been for nearly eight years medical superintendent came into existence.

In a paper which I read in July, 1905, on the question of what should be done for the imbecile, I stated that I felt that the chief points which impressed themselves on me in my present position were :—

(1.) The necessity for having every weak-minded pauper in Ireland taken charge of by the State, and placed in such a position that he or she could neither be harmful to himself, nor herself, nor to the State.

(2.) That all these feeble-minded ones should be taken charge of in suitable institutions at an age when it might be possible to teach them. At the present time all that is done for them is done by the Stewart Institution which caters for about 100 inmates.

(3.) That provision should be made by law, enabling such as could not be taught to be capable of earning a living to be kept for life in a suitable institution.

(4.) That such institution or institutions should be as far removed as possible from the modern conception or taint of an asylum, being rather in the nature of a colony or training institution.

(5.) That while no doubt trades of various kinds could be taught to suitable cases no work will be found so generally useful and beneficial as outdoor work, and for this reason such colony should have ample supply of land attached.

(6.) That such colony or institution should not be expected, certainly at first, to be run on very cheap lines, as, if it is to be of educational value, trained instructors of various kinds would have to be engaged at salary sufficient to attract the highest talent. I should hope, however, that in process of time the labour of the inmates might yield remunerative results which would materially diminish the expenditure.

(7.) I would suggest that these colonies or institutions should be of fairly large size. To multiply such would in Ireland be a mistake. The larger the institution the smaller the proportionate outlay. One or two for all Ireland would probably be quite sufficient to deal with the question for the present.

The Stewart Institution is greatly hampered in its valuable work by the paucity of its inmates. Of late years the admissions have been of an increasingly low and non-improvable type. This is due to the system of election by votes of subscribers who naturally favour the case the admission of which to an institution will be the greatest relief to the family.

(8.) This colony or institution should be in two divisions viz., school and industrial section, the former taking all children from six to sixteen, the latter the adults. In the ideal state all inmates would be received young and there trained and taught as far as possible, and thence drafted on to industrial section where their work would be remunerative to the institution.

(9.) The law in Ireland will have to be altered so as to permit of feeble-minded persons being committed under an Act resembling, say, "The Idiots Act" of England.

At present any feeble-minded person sent to asylum or institution has to be committed on same form as a lunatic. I would amend this by allowing of a very simple form signed by one medical man simply stating that A.B., was weak-minded, deficient in control or will power, and as such a suitable case for detention in an institution.

(10.) Bearing in mind the number of weak-minded persons who, being at large, are a source of danger to the State, either as criminals or as profligates adding unfit units to the population yearly, I should give authority to medical officers of workhouses or jails, when such come under their notice, to sign certificates setting forth their feeble-minded condition and have them sent to some institution where they would be kept for life. Every medical officer of workhouse infirmaries can readily call to mind numberless instances of feeble-minded women

at large who are annual visitors to the lying-in wards and thereby add mental defectives to the population. *

(11.) The State pays a Capitation Grant for such feeble-minded persons as are at present in county asylums. In return for this the State gets the worst possible value for the money expended. This Capitation Grant, if paid for feeble-minded cases in a properly equipped colony or institution, would help its work largely and would certainly yield more productive results.

(12.) The latest census returns for Ireland showed that there were on 3rd March, 1901, 5,216 idiots in the country, of whom 3,272 were at at large, 763 in asylums, and 1,181 in workhouses, this being in the proportion of 1 to 860 of the population.

*Frederick E. Rainsford, Esq., M.D., L.R.C.P.*

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* *Vide Q.* 22528 *infra.*

TABLE SHOWING, BY PROVINCES AND COUNTIES, THE NUMBER OF IDIOTS IN IRELAND, ON THE 3RD MARCH, 1901, AND THEIR RATIO TO THE POPULATION.—CENSUS, 1901.

| Provinces and Counties. | No. of Idiots. | Ratio to Population. | Provinces and Counties. | No. of Idiots. | Ratio to Population. |
|---|---|---|---|---|---|
| Carlow County | 71 | 1 in 533 | Antrim County and Belfast City | 266 | 1 in 2,049 |
| Dublin County and City | 249 | „ 1,795 | Armagh County | 140 | „ 896 |
| Kildare County | 55 | „ 1,156 | Cavan „ | 132 | „ 739 |
| Kilkenny „ | 109 | „ 726 | Donegal „ | 174 | „ 1,004 |
| King's „ | 116 | „ 519 | Down „ | 215 | „ 958 |
| Longford „ | 85 | „ 549 | Fermanagh „ | 89 | „ 735 |
| Louth „ | 136 | „ 484 | Londonderry County and City | 124 | „ 1,165 |
| Meath „ | 141 | „ 478 | Monaghan County | 105 | „ 711 |
| Queen's „ | 61 | „ 941 | Tyrone County | 205 | „ 734 |
| Westmeath County | 112 | „ 550 | Total of Ulster | 1,450 | 1 in 1,092 |
| Wexford „ | 167 | „ 623 | Galway County | 233 | „ 826 |
| Wicklow „ | 79 | „ 770 | Leitrim „ | 74 | „ 937 |
| Total of Leinster | 1,381 | 1 in 834 | Mayo „ | 258 | „ 772 |
| Clare County | 218 | 1 „ 515 | Roscommon County | 138 | „ 738 |
| Cork County and City | 436 | „ 928 | Sligo County | 86 | „ 978 |
| Kerry County | 227 | „ 730 | Total of Connaught | 789 | 1 in 820 |
| Limerick County and City | 159 | „ 919 | Natives of Great Britain | 5 | — |
| Tipperary County | 262 | „ 616 | Aliens | 5 | — |
| Waterford County and City | 152 | „ 570 | Localities Unspecified | 132 | — |
| Total of Munster | 1,454 | 1 in 740 | Total of Ireland | 5,216 | 1 in 860 |

N.B.—At large, 3,272; in Asylums, 763; in Workouses, 1,181.

It is quite possible that there are half as many weak-minded persons not classed as idiots in census returns and who, not being recognised as such, are probably a greater danger to the State.

(13.) In the Stewart Institution, to prevent over-crowding, each case is elected in the first instance for five years. At the expiration of this period they are, if improved in any way, usually put up for re-election for a further period of five years. At the end of that time they must be removed, being no longer eligible for re-election. In a few special instances cases have been retained at the discretion of the managing committee, but such constitute a very small proportion. I have long been exercised in mind over the hardship thus imposed on these unfortunate cases of having to be removed. In most cases the parents are wretchedly poor and the care the child can get is necessarily far short of his requirements. Should the parents have died during the period in which the child has been in the institution, there is no place where he can be sent, save to the workhouse or county asylum, in the deadly environment of which his latter state soon becomes worse than the first. Of late, too, great difficulty has been met in getting these discharged cases into either, as the workhouses will only take such as have been originally sent in by them, and the asylums refuse them even when duly certified and committed, on the ground of want of accommodation. Had the Stewart Institution a Government grant a large number of such could be kept to their material advantage.

(14.) The Stewart Institution possesses equipment for a much larger number of inmates than are resident, and is only kept back from extending the work by financial considerations. It is becoming more difficult each year to keep up the annual subscription list, and the lack of rich benefactors, such as are found to help kindred institutions in England and Scotland, is very much felt.

(15.) Any colony or institution designed to deal with this great want should be properly equipped and subject to the control of the Inspectors of Lunatics and a representative board, and should not be committed to the control of any ecclesiastical community. It must always be remembered that weak-minded persons have frequently feeble constitutions, and are peculiarly liable to tuberculosis and congenital heart disease. It is therefore highly important that any institution established for their benefit should have at its head a trained physician capable, not merely of treating any disease as it arises, but of superintending the sanitary and hygienic arrangements of the institution, as well as of seeing that cases are set to work at trades or occupations suitable to their physique and intelligence.

(16.) With regard to the question of the tendency there would be to accumulation of the unimprovable in such a colony, to such an extent as to hamper the educational work, I think that perhaps this difficulty might be met by making use of some of the disused workhouses throughout Ireland where such unimprovables could be housed, fed, and cared for, on most economical lines.

In the suggestions thus made I have scarcely touched upon what is perhaps one of the principal objects of your Commission, viz., the question of the prevention of such conditions. It seems to me that in dealing with so vital a question one is logically committed to one or other of two courses, sterilisation or segregation. I am loth for many reasons to recommend the former, and I am therefore compelled to fall back on the latter. My own experience is that the three great factors in the causation of feeble-mindedness are heredity, alcohol, and syphilis; eliminate these three and the numbers of feeble-minded cases would fall 80 per cent.

It is only by segregation, short of sterilisation, that you can attain this desirable end.

*Frederick E. Rainsford, Esq., M.D., L.R.C.P.*

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I assume that in properly conducted training schools elementary training would be attempted. At the end of a year such as were found to be hopeless, and unable either to learn anything or do any sort of work, could be sent back to this local workhouse. Those who could be taught or trained would be kept on, say, to sixteen or seventeen years of age and then sent on to the industrial colony. It would then be possible to have each case reviewed by mental experts periodically, and only such as were certified as of sound mind and capable of earning a living would be allowed to leave.

There will probably always remain a class of incorrigibles who will not learn or work, and whose moral influence will be bad ; these might be dealt with by the Prison Board in a penal colony with criminal and profligate defectives.

It is no good letting sentiment interfere with common sense, and if this evil is to be eradicated it must be done thoroughly. I would not be an advocate for handing over the early teaching and training of the feeble-minded in Ireland to the educational authority unless in schools specially set apart for the purpose, and even then the necessary multiplication of such would to my mind constitute a serious obstruction both on the grounds of efficiency and expense.

To have them in many schools in the neighbourhood would mean that they would be neglected for the higher children who would earn result fees.

The training of the imbecile constitutes a highly specialised profession for which the ordinary teacher is unfitted, and moreover my experience is that more mental improvement is to be looked for when mental defectives are kept in classes to themselves.

In the Stewart Institution we found that, as a rule, a case, unless a hopeless idiot, can usually be taught to do something, and most cases who have perfect powers of articulation can be taught to read and write, though imperfectly. In an industrial school or colony, such as I have indicated, the expense should not be great, as I believe the larger part of the work incidental to such could and would be efficiently done by the inmates. Gorgeously equipped buildings, elaborately furnished, at cost of £350 a bed, are not needed. Comfort and efficiency can be obtained at much less cost.

Land in Ireland is not dear, and while I would not venture to estimate the cost, I think that it may be laid down that it would not be in any sense prohibitive.

I have been asked by my managing committee to submit to your notice the following: "It is to be hoped that, in any legislation which may be proposed, the claims of the Stewart Institution—the only one in Ireland—which has for thirty years carried on its beneficial work in the face of great difficulties, may not be overlooked, and that it may be permitted, with help, to extend its sphere of usefulness without interference with its constitution."

F. E. RAINSFORD, M.D.

*22nd February*, 1906.

22451. (*Mr. Byrne.*) Could you give us, roughly speaking, an idea as to how many people at your institution are profound idiots, and how many are low grade imbeciles, and how many higher grade ?—About 10 per cent. profoundly incapable of doing anything ; I think 10 per cent. are certainly low idiots, but there are 20 per cent. who through physical disability are unable to do anything, about 20 per cent. are not useful in any sense of the word, but could help themselves in the sense of perhaps feeding themselves. The balance could do something ; it may be little.

22452. They can walk and dress and undress themselves ?—Yes.

22453. And receive some sort of instruction ?—Yes, can be taught to do something with their hands.

22454. If it is only to brush the floor ?—Yes, walk up and down and polish it.

22455. Have you any high grade ?—Yes, a certain number are kept on under the class of unpaid attendants who are fairly useful attendants, those who are kept on after their ten years' period of election has expired. They are fairly good. They are the hewers of wood and drawers of water.

22456. If institutions of the same nature as yours are multiplied would you recommend in the same place the reception of different classes of imbeciles, or would you have separation ; would you have idiots segregated from the others ?—I would not deal with the idiots on any expensive line ; I would keep them apart ; they are only a burden on everybody. My theory is to eliminate the idiot and put him, consistently with proper treatment, under the cheapest and most inexpensive control, and devote your energies to trying to improve those who can be improved.

22457. Do you think that from the point of view of economy it is desirable to have the middle grade imbeciles looking after the low grade ?—Yes. You could have them under the same institution, but classification would be necessary, to my mind, not to waste your energies on a class who are not worth spending any money on.

22458. The class who are being taught might spend their spare time in looking after the others ?—Yes.

22459. Imbeciles are usually mutually helpful in institutions ?—Yes.

22460. Do you think that that fact ought to be kept in mind ?—Certainly.

22461. So that on the whole you would be rather in favour, for economical reasons, of having them in the same institutions ?—Yes, I think there are good reasons in favour of it.

22462. You suggest in your statement having something like the Idiots Act certificate which we have in England ?—Yes.

22463. Do you think that for the class of people of whom we have been speaking that would be quite sufficient and would satisfy the public, or would you have it supplemented by an order of the magistrate ?—When I specified the Idiots Act I was not quite aware of the terms of it, but I knew there was an Act which dealt with the idiot as distinct from the lunatic. The idea in my mind was to have an Act which would give the institution authority to detain a person against the wish of the parent who might foolishly wish to remove him. Consequently the stronger you can make that Act—in other words, the more power you can give to the superintendent or the governing body to detain them—the better ; it would strengthen the medical certificate, and therefore would be very valuable.

22464. You think all practical purposes would be met by giving an appeal to a magistrate ?—Yes. You want something to prevent an injudicious parent removing a child when you do not wish it.

22465. There is no difficulty about the liberty of the subject being infringed ?—No ; you may have an appeal, certainly.

22466. You speak at the end of your statement of the appropriate institution being an industrial school or colony. You know the existing system of industrial schools in Ireland ?—Yes.

22467. You know that professedly they exclude the feeble-minded because they interfere with their work ?—Yes.

22468. They have some feeble-minded among them and they do their best for them ?—Yes.

22469. Do you think it would be a good plan to utilise that system more extensively for educating and keeping the feeble-minded out of mischief ?—The idea that permeates all my remarks is the idea of having an institution specifically devoted to weak-minded persons, and to no others without any reference to existing schools ; but I am not in favour of imposing the duty of taking charge of imbeciles on any existing boards ; it ought to be a specialised work.

22470. Do you say the work that is at present done by separate boards should be taken away from them and given to a new body ?—I do not think there is any work done for imbeciles which is worth talking about.

22471. There is the Poor Law work ?—They do not do anything except feed them.

22472. They simply keep them alive ?—They simply keep them alive

22473. You think they ought to be dealt with with a view of extracting the maximum of utility with the least harm to them ?—Yes.

22474. If that was so it would have to be put under a special "Defective" Board ?—Yes.

22475. Do you think that that Board should be connected with the lunacy authority ?—Yes.

22476. In fact, it would be unreasonable not to work them together ?—Yes, I am strongly in favour of being put under the Lunacy Board.

22477. On the ground that the classes overlap ?—They do.

22478. (*Mr. Dickinson.*) Can you give us at all an idea of the cost of your Home ?—I have brought a tabulated statement for the last five years.* The cost varies slightly with the capitation; the more we have, it comes out slightly cheaper. In the year 1900 it cost 1s. 8d., and a fraction per head per day. That came to a total cost of £31 3s. 7d. per head per annum. That included every expense except buildings; salaries, wages, miscellaneous charges, clothing, fuel, light, stores, provisions, laundry expenses, law, advertisements, rent and taxes, repairs and alterations, furniture and fittings, insurance on buildings, stationery, printing and postage, office account, estate improvement account, mat account, water supply, interest on over-draft at the Royal bank.

22479. Eleven shillings and sixpence a week about ?—Yes. The next year the total cost per head was £35 14s. 10d., there being a slightly lower capitation. That was, roughly, about 1s. 11d.

22480. Do those figures include rent ?—They do; rent and taxes.

22481. For the building and the house ?—All rent and taxes for everything.

22482. The building was a gift, was it not ?—No, we built it. We pay rent for the land on which it stands; there is no rent for the house. In the next year it was £31 18s. 9d., there being a decrease from the year before of 2d. In the year 1903 it was £31 12s. 8d. The next year it was £29 5s. 7d., because we had a larger capitation. We have an average of nearly 100 inmates.

22483. How is the money provided ?—Roughly, from three sources: Legacies and bequests, charitable subscriptions, which amount roughly to £1,500 a year, and payment for pupils.

22484. What is that ?—Five shillings a week paid for Union cases; private paying cases pay from £50 to £75 a year, and there are patients elected whose friends undertake to pay a certain sum per year which varies from £3 to £20 per annum.

22485. So far as the Guardians are concerned they pay you 5s. a week ?—Yes, which includes everything, clothing and all; and we have to bury them free.

22486. About discharges, I understand you to say that according to your system of election they are only elected for five years ?—Yes.

22487. What system of election do you have ?—Every subscriber who pays a fee of half a guinea has one vote. If there are eight vacancies he can give one vote for each vacancy; in addition to that a parent putting up a child for election who guarantees a certain sum annually gets twenty votes for every pound he guarantees.

22488. Then the election is done by voting by the subscribers ?—Yes.

22489. You say sometimes their term is extended for another five years ?—Nearly always, unless they are very bad cases.

22490. After that they generally go ?—Unless they so much improve that they would be valuable to as us workers, in which case we keep them on, at the discretion of the committee, as unpaid attendants.

22491. You send out the worst ones ?—Yes.

22492. You have no idea where they go to ?—Some go to the workhouses from which they have been sent, some go to the county asylums, and some go back to their friends and are kept at home.

22493. I understand from you that you would like to be able to keep them ?—There are some I would like to have kept, because, although I was not justified in putting them forward for re-election as having improved, they were not very troublesome, and there was great hardship involved in sending them back.

22494. Why cannot these people go to lunatic asylums ?—Because the lunatic asylums will not take them; they object to them; they have to take them sometimes, but they will not take them if they can help it, on the ground that they have no room. *Frederick E. Rainsford, Esq., M.D., L.R.C.P.* 9 Mar. 1906.

22495. It seems as if the lunatic asylums in Ireland are overfull ?—They are.

22496. Throughout the whole country ?—They say so, and I believe that is the case.

22497. (*Dr. Dunlop.*) You advised a special Board for congenital defectives, in reply to Mr. Byrne ?—I did not exactly advise a special Board, but I implied I would not superadd the training of imbeciles on any of the existing industrial schools. I did not exactly advise a special Board; that is really a point on which I was not able to satisfy my own mind. All I did advise was that any institutions established for the benefit of imbecile or weak-minded children ought to be put under the inspection and control of the inspectors of lunatics.

22498. Under the inspectors of lunatics rather than under a special Board ?—Yes.

22499. Under what local authority; where is the maintenance to come from ?—My idea was that the contributing Boards should subscribe for the maintenance; that is to say, that every child sent in from a district should be paid for by the Union to whom it would be chargeable, naturally.

22500. In Ireland, I understand, the Unions do not pay for lunatics ?—I think they do, I am not quite sure; I do not know much about the public administration of the asylums.

22501. Is it your opinion that they should be paid for by the people who pay for the maintenance at present ?—Certainly.

22502. It would be a mistake to separate them ?—I should make the local Unions provide for their own cases.

22503. Whoever pays for lunatics now ought to pay for this other class of lunatics and bring them into line ?—Yes, certainly.

22504. With regard to the ages in your institution, is there any definite age limit ?—They are eligible for election between the ages of six and sixteen.

22505. Is there any age limit beyond which you are not allowed to keep them ?—No, none. We have them up to sixty; at least I have some over fifty who have been with us since they were young.

22506. Do you think that is desirable ?—All those we have at that age are very useful.

22507. They are paying patients, possibly ?—No. There is one lady who pays £40 a year who is over fifty, but the others who are over forty are all useful workers and are kept as such.

22508. Kept on account of the work ?—Yes, because they are useful to us.

22509. Suppose this system were extended, on the lines you suggest, of having a training institution, would you keep adult lunatics as well, if they are lunatics in the eyes of the law ?—Certainly; my idea was that, having trained them the institution should keep them for life, because it would be useless to allow them to go out into the world; unless, in the opinion of the medical expert, they had so far improved that they could be trusted to go out and earn their living.

22510. Let us go on to the results of treatment. There have been a large number of discharges ?—There have been a good many.

22511. How many do you know of who are in a position to earn their own living ?—Very few; five or six at the outside that you could honestly say could go into the world and compete with a full brained man.

22512. That is out of 500 or 600 discharges since the institution started ?—I think it is 300; I do not think there are more.

22513. (*Chairman.*) That would be 2 per cent.

22514. (*Dr. Dunlop.*) It is a very very small proportion ?—A very small proportion indeed.

22515. So that in connection with this institution they could not count on a large amount of success, they are not

* *Vide* Q. 22545.

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curative ?—That is true, but there is a point which must be remembered with regard to our little institution, that we do not get the best class of cases for the simple reason that the parents or friends are not going to the trouble of canvassing for election for a case fairly useful at home ; they want to get rid of the ones that are troublesome at home, so perhaps the proportion, if you had compulsory treatment of imbeciles, would be higher—certainly higher.

22516. And looking at the small amount of actual success you would not advise that all classes should be sent to an institution, would you ?—My idea is that if you are going to try to do anything for them you ought to get them ; I mean to say all pauper imbeciles, certainly.

22517. Why should they be sent to these places when it is not going to cure them ?—Because I think that, if they are allowed to grow up in the average home of poor people, they are liable to become dangerous to the State or themselves.

22518. If they are trained first and left afterwards, they soon revert to that condition ?—My opinion is, that when you have trained them, and when they have reached adult life, they should be kept in a colony and you should try to get some value back for the money spent on them.

22519. Would you agree that the duty of the State is only to give relief when relief is required—to neglected cases ?—The first claim on the State is a neglected case, but if you are going to deal with the question of the feeble-minded you want to get hold of them so as to prevent them multiplying themselves.

22520. Neglect is the first ?—Neglect is the first.

22521. And relieving parents who cannot look after them themselves ?—Yes.

22522. To that extent it would be a great advantage to the country would it not ?—Undoubtedly.

22523. As regards this matter of reproducing themselves I think you make the statement that it would diminish the production 80 per cent ?—I do.

22524. Have you any figures ?—No, it is almost impossible to get them out ; it is just from experience. Looking to the causation, one can see those three factors in the causation, and the assumption is that you would reduce it considerably if you eliminated those three factors.

22525. It is an assumption rather than a calculation based on statistics ?—It is a pure assumption.

22526. About the efficacy of voluntary effort ; will that ever be sufficient to overtake the evil ?—Never.

22527. It is to be encouraged when it exists ?—Yes ; but it is absolutely undependable.

22528. You make an observation in your written statement which I should like to ask if you would care to modify. You say, " Every medical officer of workhouse infirmaries can readily call to mind numberless instances of feeble-minded women at large "*? —I am quoting there from a statement made by the former medical officer of a workhouse, who said he found many instances of it. I have been since informed that that perhaps is too strong a statement, because the figures shown by the Local Government Board inspector are not at all remarkable in that respect, so perhaps my statement is rather strong. I was acting on the statement he made to me. I understand now from the figures that the number is not very great, but it is still sufficient to necessitate doing something in the matter.

22529. A very small provision would be necessary ? —Very little would deal with that.

22530. Regarding the training of these imbeciles, have you considered that a medical man's job or a school master's job ; is it to be a medical institution or an educational institution ?—I think if you could get a medical man who could combine both it would probably be most effective, but there is no reason whatever, in a sense, why a layman should not do it. The medical man is best qualified, to my mind, because the physical factors which he will have to take into consideration in relegating boys to various trades are a very important factor, and this is the reason I advise a medical man ; but, on the other hand, it is fairly arguable that if you have a lay director, with a medical officer attached, the probability is that it would work just as well.

22531. What about the relation of these institutions to the Education Board ?—That is a question I cannot answer. I know nothing about that.

22532. Have you any opinion regarding the efficacy of boarding out these people ; I am talking about the adults, after they have passed through the institution ? Do you think some could be boarded with selected guardians ?—Undoubtedly, if you can get places in which to put them. The larger proportion of those who are able to do work will be far more useful on a farm than anywhere else. If you can get suitable persons with whom to place them, it is no doubt worth a trial, because their work may be very useful.

22533. And may develop into a very economical mode of treatment ?—Yes ; if you can get persons with whom to place them I should strongly advise it.

22534. At present there are no funds with which to try it ?—No ; we have none.

22535. (*Mr. Burden.*) Could you tell us anything of the cost of maintenance at your institution ?—Yes ; I have just told Mr. Dickinson it varies a little, but including everything except building, it varies from about 1s. 9d. to 1s. 11d. *per diem* per head ; that would be, roughly, say about £30 to £31 a year.

22536. (*Chairman.*) Have you any knowledge or experience of any private institutions in Ireland for the same class of persons that you have ?—Not in Ireland ; I do not think there is one.

22537. In your statement you say with regard to colonies that if there were any colonies started they should not be committed to the control of any ecclesiastical community ; I thought that perhaps referred to some experience you may have had ?—Not with regard to imbeciles, but we have a considerable number of lunatics at asylums and industrial working institutions which are managed entirely by ecclesiastical communities, and my idea was that if you are going to establish a national institution it should be a thoroughly representative Board and free from the control of any ecclesiastical institution ; in other words, it should be directly responsible to those who are paying for the children ; that the governors of it should be representatives of the people who are paying for it ; in other words, that the State should not give any grant to any monastic establishment to carry on the work.

22538. Not to any denominational institutions ?—No, none ; it should be a perfectly national work.

22539. You do not think that an institution which was under the control of some denomination would be necessarily a bad institution ?—Not at all.

22540. You would not refuse to give a grant to an institution that was under the control of a denomination ? —Not if it had effective Government inspection.

22541. In Ireland the difficulty is in getting means to start institutions, is it not ?—Yes ; we have no money to build.

22542. And probably institutions would be more likely to be built if they they were built by a denomination ; is it not so ?—There is a possibility of it, but they have had thirty years in which to try, and have never made any effort to do it yet.

22543. Is not that because of the inadequate Government grant ? You would not exclude such institutions from receiving a Government grant if there were adequate inspection ?—I do not see how you could very well do so, but I would not like it.

22544. You do not think it is advisable ?—I do not think it is advisable at all ; I would much prefer to see a perfectly popular representative Board managing a national institution, but I should not see any marked objection to the other.

22545. (*Mr. Dickinson.*) May we have that Table of cost handed in ?—Certainly. (*Table was handed in. Vide Appendix papers, pages 331–335, post.*)

22546. (*Dr. Dunlop.*) In Ireland are there any imbecile training institutions ?—None that I know of.

22547. Are there any private ones licensed ?—No, I do not think there are. We are the only one that has done anything in the way of trying to train imbeciles in Ireland for the last thirty years.

* *Vide page* 96, *col.* 2.

22548. There are none of these private institutions for paying patients ?—No, there are several private asylums, but no imbecile institution.

22549. (*Mr. Byrne.*) Have you heard of any Roman Catholic institution for refractory girls ?—I think some of the convents deal with profligates, and that class, and no doubt in that way deal with weak-minded ones.

22550. There are all sorts of fallen-women Homes?—Yes.

22551. They will necessarily have considerable experience of feeble-minded women ?—No doubt they would be able to say a good many of them were feeble-minded.

22552. They are not inspected by Government ?—No, I do not think they are under any Government control whatever.

22553. If it is the case—or if it is possiblythe case—that many women in these institutions are feeble-minded, their inspection would be desirable ?—Certainly. If you will allow me to say so, my idea was of course that. if you are going to stamp out imbecility, you have got to remove the imbecile from the sane person in order to see what you can do, first to benefit him mentally, and secondly to prevent him from reproducing his kind ; but of course all such persons should be subjected to, or should have the privilege of, at least a yearly inspection by a medical expert ; in other words, they would have an appeal to a medical expert if they felt they were justified in asking for their liberty. I have also been asked on behalf of my managing committee to direct your special attention to what is said at the end of my remarks : " It is to be hoped that in any legislation which may be proposed the claims of the Stewart Institution (the only one in Ireland), which has for thirty years carried on its beneficial work in the face of great difficulties, may not be overlooked." My committee rather felt that in the scheme I had advocated I was like the pig swimming, I was cutting my own throat, and they said " If the Commission adopt your suggestion where are you going to be, because our institution will be done away with ? " They felt that very much, and they objected. I said that as far as my feeble powers would allow me I would put before the Commission the work done by the Stewart Institution and claim their indulgence on its behalf.

*Frederick E. Rainsford, Esq., M.D., L.R.C.P.*

9 Mar. 1906.

22554. (*Chairman.*) The Commission are fully alive to the value of the institutions, both those that are carried on in England and those in Ireland.

## FORTY-SEVENTH DAY.

*Friday, 16th March, 1906.*

PRESENT.

The Right Hon. The EARL OF RADNOR (*in the Chair*).

W. P. BYRNE, Esq., C.B.
C. E. H. HOBHOUSE, Esq., M.P.
H. D. GREENE, Esq., K.C.
The Rev. H. N. BURDEN.
W. H. DICKINSON, Esq., M.r.
Mrs. PINSENT.
H. B. DONKIN, Esq., M.D.
J. C. DUNLOP, Esq., M.D.

HARTLEY B. N. MOTHERSOLE, Esq., M.A., LL.M. (*Secretary*).
E. A. H. JAY, Esq., M.A., LL.B. (*Assistant Secretary*).

Sir CHRISTOPHER NIXON, M.D., LL.D., called; and Examined.

22555. (*Chairman.*) You have been so good as to give us a statement of your evidence; may we put that on our notes ?—Certainly.

STATEMENT OF EVIDENCE PROPOSED TO BE GIVEN BY SIR CHRISTOPHER NIXON, M.D., LL.D., EX-PRESIDENT ROYAL COLLEGE OF PHYSICIANS OF IRELAND, SENIOR PHYSICIAN, MATER MISERICORDIÆ HOSPITAL; PROFESSOR OF MEDICINE, CATHOLIC UNIVERSITY; MEMBER OF THE GENERAL MEDICAL COUNCIL; AND CONSULTING AND VISITING PHYSICIAN TO THE CENTRAL CRIMINAL LUNATIC ASYLUM, DUNDRUM.

In the evidence which I propose giving I desire to lay no claim to be regarded as an expert, but rather as a physician connected with a large general hospital in which there is an extensive field for the study of all forms of nervous disease, and also as visiting physician to the asylum at Dundrum.

The terms of the reference apply in the first instance to the methods at present employed in dealing with idiots and epileptics, and with imbecile, feeble-minded, and defective persons, the latter not being certified under the Lunacy Laws; and in the second instance to amendments in the law and other measures which should be adopted to obviate the hardship or danger resulting to such persons and to the community from insufficient provision for their care, training, and control.

Before discussing measures of treatment which should be adopted for these different forms of mental defect, it is well to have a clear conception of their varieties, and of the etiological conditions with which they are associated. I would be disposed to urge that these forms of mental disease which are under the consideration of the Commission should be put under two classes; first idiots, representing the complete ament, in whom either from birth or an early age, from arrested development, or disease of the brain, there is a deprivation of his observing and reasoning faculties to such an extent as to incapacitate him from any manifestation of intelligence greater than that of an infant; and second, defectives. Amongst the defectives you have the following sub-classes: imbeciles, feeble-minded persons, and insane epileptics. The imbecile is distinguished from the idiot and the feeble-minded as being a person who, from a mental defect existing at birth, or from an early age, whilst capable of guarding himself against common physical danger, is incapable of education in the ordinary sense and unable to earn his living, or take care of himself in the ordinary affairs of life.

*Sir Christopher Nixon, M.D., LL.D.*

16 Mar. 1906.

Insane epileptics may be idiotic, but the majority are defectives in which the prominent condition is one of imbecility, usually progressive in its nature.

The feeble-minded person, adopting the definition given by Sir James Crichton Browne, is one who, by reason of arrested development or disease of the brain, dating from birth, or from some age short of maturity, has his observing and reasoning faculties partially weakened, so that he is slow and unsteady in his mental operations, and falls short of the ordinary standards of prudence, independence, and self-control. The difference between the imbecile and the feeble-minded is no doubt one of degree, the two classes bearing often the same relation to each other as the dull child bears to the normal, but in most cases the marks of distinction are clear and well defined.

I see no practical advantage in putting under a special sub-class either the " moral imbecile " or the " morally insane " person; the vicious and criminal propensities of the former are merely a phase of the feeble-minded condition, whilst " moral insanity " is a form of mental disease standing by itself, not necessarily conditioned by

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feeble-mindedness. In all the classes mentioned the etiological conditions associated with them must be carefully noted if prophylactic measures are to be taken to prevent or limit their occurrence, a consideration which must precede that of dealing with the defectives themselves.

So far as I have been able to follow the evidence given before the Commission, there appears to be on many points considerable divergence of opinion, but the weight of authority, and my own individual views, lead me to lay down the conditions producing idiocy, and the various defectives specified, under three heads :—

1. Those preceding birth.
2. Those occurring during birth.
3. Those occurring after birth.

The conditions preceding birth may be tabulated as follows :—

(*a*) History of insanity in one or both parents.
(*b*) Epilepsy in one or both parents.
(*c*) Congenital mental defect in one or both parents.
(*e*) Acute mental disease occurring in an individual after puberty before the person becomes a parent.
(*f*) Family history of tuberculosis.
(*g*) Hereditary syphilis.
(*h*) The marriage of near kin : this can only be admitted where there is some neuropathic taint, existing in both individuals, and becoming intensified in the offspring. Children born at the extreme limit of the reproductive age of either parent.
(*i*) Congenital cretinism.

2. The conditions occurring during birth are :—
(*a*) Injuries to the child arising from deformed pelvis leading to prolonged labours.
(*b*) Abnormal conditions affecting the placental circulation.
(*c*) Injuries of the head dependent upon instrumental delivery.

3. The conditions occurring after birth may be laid down as follows :—
(*a*) Malnutrition from insufficient or improper food. This is largely due to the absence of the natural mode of providing sustenance for the child and its being substituted by condensed milk and various kinds of proprietary foods. These foods are apt to set up intestinal irritation, resulting in many cases in convulsions which may be the prelude to the epileptic condition. Trouble in connection with the teeth may lead to a like result.
(*b*) Defects depending upon environment and conditions of life under which the child is brought up : children living in over-crowded tenement houses, in squalid surroundings, breathing foul air, in association with criminal and vicious influences embracing every form of moral depravation, and subjected often to cruel usage, are often rendered feeble, both in mind and body. I desire to emphasise what has been said in reference to this point by Dr. Albert Eichholz that such mental and physical deterioration is specially to be noted in overcrowded urban areas, and that under favourable conditions as regards country air, good food, sunlight, and cleanliness, the indications of degeneracy vanish. This condition has been alluded to by some of the witnesses under the name of "spurious feeble-mindedness," a matter of importance in reference to the treatment of such cases.
(*c*) Febrile conditions set up in infancy in connection with the various infective fevers, such fevers being often ushered in or complicated by convulsions.
(*d*) Alcoholic excess or the acquirement of the drug habit, especially the use of morphia or cocaine.
(*e*) Syphilis. This produces paralysis in all forms, especially from disease of the brain, eventuating in general paralysis of the insane, or from disease of the spinal cord producing *tabes dorsalis*. In general hospital practice the physician comes across many varieties of cerebral syphilis in which, in the majority of cases, the condition is one of mixed infection, due in part to syphilis, in part to chronic alcoholic poisoning, the mental condition being either one of dementia or feeble-mindedness.
(*f*.) The occurrence of mental overstrain. The pressure of modern life, with the factitious importance attached to competitive examinations in all our systems of education, not infrequently leads to nervous breakdown, with the result that a boy of moderate, or perhaps good, abilities, becomes a mental wreck from over-pressure. This is specially to be noted in the precocious class, in which often there is no margin of recuperation to compensate for mental overstrain.
(*g*.) The occurrence of cretinism as an acquired condition, occurring sporadically, usually within the first three years of life, sometimes following an acute illness and associated with atrophy of the thyroid gland. This is a condition so capable of being dealt with by special treatment that it will not be again referred to.

Taking the conditions which, preceding birth, are likely to lead to mental defects in the offspring, how little can be hoped for, in the present state of the law and the usages of society, in the prevention of marriage where such disabilities exist. Most good will perhaps be gained through the influence of the clergyman and the physician, the one preaching the moral law which ought to guide those who desire to become parents, whilst the other teaches the ignorant the danger to themselves and others which results from marriage with epileptics, with the phthisical, and the syphilitic.

There can be no doubt but that the principles of hygiene have been diffused with considerable advantage amongst the poorer classes, and that a knowledge of the hereditary transmission of such conditions as have been referred to have had some deterrent effect upon those who desire to contract marriage. The element of selfishness, which dominates, more or less, the rule of human life, is likely to be largely influenced by knowing that the special danger in marrying a phthisical lies in inhaling the free, finely divided particles of sputum projected into the air during the act of coughing, and that from this danger there is the gravest risk of acquiring the disease. It might be pointed out how serious are the evils in connection with the transmission of syphilis, even though no preventive measures are taken to prevent the spread of this serious disease, serious not merely to the individual who acquires it, but to those to whom it is transmitted. It is, unfortunately, not easy to conceive except in the directions indicated, how any other means can be devised to lessen the evil influences of the conditions referred to.

With regard to the conditions during birth which might lead to mental defects, I have asked my colleague, Dr. Alfred Smith, Professor of Midwifery and Gynæcology in the Catholic University, to state shortly the measures which should be taken to prevent, or minimise, those dangers. They are as follows :—

(1) To insure the best development of the fœtus, mothers should be instructed in the hygiene of pregnancy. Simple rules as to dietary and sanitary surroundings should be circulated, and the advantage of milk foods over all others should be advocated. It is admitted that a dietary, poor in carbohydrates and fluids exerts a marked influence upon the bulk of the child without otherwise affecting it.

(2) Having regard to the fact that contracted pelves are responsible for serious brain lesions, owing to prolonged labour, it would be desirable that pelvic measurements of pregnant women should be ascertained before the thirty-sixth week of pregnancy, with the object of determining whether or not it would be desirable to induce premature labour.

External pelvimetry will indicate pelvic contraction. Any trained nurse will be able to make the measurement necessary.

(3) More attention should be paid than heretofore to the so-called spoon-shaped depressions or indentations made by the promontory of the sacrum or forceps, on the fœtal head. These depressions or indentations are frequently associated with hæmorrhages on the surface of the brain, and occasionally with fracture of the bone, and they, consequently, may interfere with the development of the brain

With regard to conditions producing defectives after birth, I should like my observations to refer specially to general measures likely to lessen some of the influences which predispose towards feeble-mindedness, to the treatment of the insane and feeble-minded population of workhouses, and to some points dealing with unsoundness of mind in criminals.

### General Measures in Dealing with the Feeble-Minded.

On most of the conditions with which feeble-mindedness is associated it is not necessary to dwell, as they have been fully brought under the notice of the Commission. The danger of insufficient or defective food in the case of infants, the necessity for special schools for defectives, and their disposal after the sixteenth or eighteenth year, need only be mentioned.

The question of environment is one which I think can hardly be too strongly emphasised having regard to its potency in developing conditions of physical and mental degeneration so grave as to be a menace to society. Those who are familiar with the conditions of life in the slums of any large city will freely admit that these, in regard to food, clothing, foul and squalid surroundings, are exactly the conditions which lead to a low standard of physical health, and such a lowering of the moral standard as to develop criminal-mindedness and feeble-mindedness. It is in those slums that you have the most favourable conditions for the spread of consumption with its defective mental state, for you have here, with overcrowding and filth, foul air and deficient sunlight. It should not be forgotten by the well-to-do in our large cities that the starving poor constitute a standing menace in being the class most predisposed to take any form of infectious disease with which it may be brought in contact and which it inevitably would be the means of propagating. The perils of an epidemic of small pox, diphtheria, cholera, or the plague, illustrate my point, so quite apart from social conditions which are represented by one class possessing wealth almost illimitable in its amount, whilst another can barely obtain food necessary to sustain life, with the potential elements which such a sharp distinction involves, the inhabitants of the dens of misery which are to be found in such numbers in this great city, regarded as the centre of civilisation, are sources of danger to the community at large. If any vigorous attempt is to be made to lessen conditions of life which predispose to defective states of body and mind, you must provide a better system of housing for the very poor, let them have air and sunshine, see that they have steady employment to give them sufficient means for good food, lessen the temptations of the gin palace by making life more endurable, and less depressive and morbid. If some comprehensive scheme could be devised, either by the State or by private benevolence, to radically change the condition of the poor in our large cities, the money would be spent not merely fruitfully, but on principles economical in their nature. If we have now to provide *sanitoria* for consumptives, special schools for defectives, institutions for the feeble-minded, as well as for the insane, is it not sound policy to lessen as much as is possible the numbers of those who have to be cared for? If good air and sunshine be substituted for the dark foul-smelling tenement room how much the number of consumptives would be lessened. Air and sunshine have the most singular effect in certain conditions of tuberculosis. In many cases of abdominal tuberculosis the mere opening of the abdomen, admitting air and the sun's rays, completely cures the disease. I may mention in this connection a curious personal experience. Some years ago, in a country place of mine near Dublin, my steward had charge of about 200 fowl of various kinds. They were crowded together in confined houses with a run, in neither of which was there ever sunshine. A disease broke out amongst them, which proved to be tuberculosis, and they died of it at the rate of seven or eight in the week. Two years ago a place was provided in an open field, having free exposure to sun and air, with the result that no tubercular disease has been again developed. I will only add a further word with regard to environment. Some years ago I read an article in the *Nineteenth Century* on experiences of work in an East End district by the Countess Cowper. In this interesting article a plea is put forward urging that the West End should familiarise itself with the conditions of life prevalent in the rookeries and slums of the East End, with a view of trying to elevate and cheer those who are struggling under very adverse conditions towards the light. Several measures of relief were discussed, several conditions leading to degeneracy. The proper housing of the very poor, the securing of good, instead of poisonous meat at very cheap rates, the establishment of clubs for evening meetings of an educational or recreative type, the prevention of marriage at too early an age—a boy of sixteen marrying a girl of fifteen or sixteen—and the provision of open-air spaces for children and adults.

With people who evince so meritorious an interest in the lives of the Chinaman, the South African, the Bulgarian, and other European and Asiatic races, it should not be unavailably pleaded that more interest and active sympathy should be exercised as to the fate of the waifs and strays of our urban populations. Comments of this kind may, no doubt, seem to be visionary and impracticable, but bearing in mind how much has been done by private benevolence throughout the United Kingdom, how many institutions have been established to meet the necessities of the poor, is it too much to expect that those who are affluent should, when made acquainted with misery, bring succour to the distressed?

The only other point which I wish to discuss is the very important one of limiting the hereditary transmission of mental weakness. Whilst admitting that the influence of heredity in the production of feeble-mindedness may be unduly emphasised, bearing in mind the law that in conditions of birth nature tends to revert to the normal, still the evidence is so constantly before us of a parallelism in conformation, in disposition, in diathesis, of the child to the parent, that we may assume that in 30 to 40 per cent. heredity does play a part. This proportion is surely large enough to take steps to lessen its influence. On this point I have no hesitation whatever as to what should be done. The proposal of sterilization is not one that can be considered in a Christian country, and we may at once dismiss it. But from every point of view it is imperative that feeble-minded and defective women should, when practicable, be kept in institutions from the sixteenth to the forty-fifth year; that is, during the entire procreative period. This specially applies to the "in and outs" of the workhouse, and it is difficult to understand how the present regulations with regard to those women can be defended. That public money should be expended on the maintenance of a woman who devotes her life to prostitution, and who is likely to reproduce her own defective type in her offspring seems opposed to morality and commonsense. It may be a question as to what should be done with such women after their forty-fifth year. It would be hard to send them adrift unless they could be provided for by getting suitable employment, or that friends would take charge of them, but it should be possible to take care of them in institutions where they could help to earn their own living by service of various kinds.

### The Insane and Feeble-Minded Population of the Workhouses.

In respect to this class several questions present themselves for consideration.

Should the entire class be removed from the workhouse?

Should a part, consisting of the most pronounced idiots and imbeciles be left there, whilst the remainder should be deported?

Should those who are taken from the workhouse be placed in auxiliary asylums provided by a change of a workhouse into an asylum, as has been accomplished in the auxiliary asylum at Youghal?

Or should a new institution be provided for this class, embracing idiots, insane epileptics, imbeciles and feeble minded, having due regard to economy?

There are at present in the workhouses throughout Ireland, according to the latest reports of the Inspector of Lunatics, 3,320 pauper lunatics. This number shows a reduction on the previous year of 340, of which 220 cases were transferred from the workhouses in the city and county of Cork to the auxiliary asylum at Youghal. How are these 3,320 pauper lunatics to be dealt with? No doubt some reasons may be urged for a retention of a part of this class in the workhouse, such, for instance, as the usefulness of some in doing work, the harmless nature of the mental defect, the proximity to home associations, etc., etc. But, on the other hand, the association of these defectives with the sane is objectionable, and it has upon both a depressing influence; there is the danger of persons who are unable to look after themselves being neglected; there is the danger of the outbreak of violence towards their own class or to others, against which there is no provision, and there is the important question of expense, as persons of this class require special nursing and care. For these reasons I

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am in favour of pauper imbeciles being provided for in institutions specially designed for them, and amongst this class I would include the feeble-minded of such a type as could be certified. The nature of the certificate would, necessarily, be a matter for careful consideration.

Then arises the question as to what institutions would be suitable for their reception. In Ireland, no doubt, the conversion of disused workhouses into asylums, on the score of economy, following the precedent set by the auxiliary asylum at Youghal, would be the most feasible plan. These should be carefully organised, so that the utmost care should be given to the improvable cases.

In the large class which would find its way into these auxiliary asylums, there would be a large proportion of improvable imbeciles and feeble-minded, and these persons should, I consider, be made the subject of special care. Their number would be reinforced by persons taken from the middle class in Ireland, or from the class intermediate between the pauper and the middle class, and for all this class I would strongly suggest a central asylum, available for all Ireland, run on the lines of Darenth Asylum. It is a matter for consideration as to how such an institution should be supported. It might receive aid either from the Treasury, or from the rates, or from both, and I believe it would be helped by the charitable. I would be very slow to believe that in Ireland the springs from which flowed such helpful sustenance for many objects worthy of sympathy and support, have dried up. It is easy to refer to a number of institutions, largely subsidised by private benevolence: the Institution for the Deaf and Dumb, that for the Blind, the O'Brien Institute, the Stewart Institute for Imbeciles and Epileptics, the various reformatory and industrial schools, our metropolitan and provincial hospitals, are instances in point. Would not an institution for the feeble-minded attract substantial public support?

In 1889 a Royal Commission reported with absolute unanimity that liberal grants should be made for the maintenance of two institutions for imbecile children in Ireland, one for Catholics and the other for Protestants. I presume that the institution for Protestants would mean a considerable extension of the Stewart Institution. Unfortunately, like many Reports of Commissions, this one was not acted upon, and I venture to express a hope that the work of this Commission will not be similarly abortive. But the question of establishing a Catholic institution on the lines of the Stewart Institution was warmly taken up by His Grace the Archbishop of Dublin, Dr. Walsh, and he made an offer to set on foot a movement for the establishment of a Home for the shelter and education of these poor children, promising £1,000 to head a subscription list, and an additional £1,000 at the close of the first year's successful working of the institution. I have no doubt, if this project were helped by a promise of substantial aid, carrying out what was recommended in 1889, that a great and useful way of providing for a large class of our defectives would be found.

I confess, however, that to me the ideal institution for dealing with the defectives would be the establishment of a large colony under the charge of some religious order such as has been established in Ursberg, Bavaria, the work and organisation of which has been so fully described by Dr. Alfred Eichholz. This colony, under the charge of the Sisters of the Congregation of St. John, provides for the care of 752 mental defectives, 111 blind, 8 deaf mutes, and 145 epileptics. The colony is self-contained, and provides for its own needs by its own industry. It is unnecessary that I should repeat what is so fully described by Dr. Eichholz, but I should like to endorse his words as specially applicable in a country like Ireland which can point to the good results effected by religious orders in ministering to the wants of its population. You have striking instances of this in the educational work undertaken by the religious Sisterhoods of Mercy and Charity, in the work done by the Christian Brothers in primary and intermediate education, in their care of the deaf and dumb, and in reformatory schools; in the care of the insane undertaken by the Brothers of St. John of God's, and by the French Sisters of Charity. If any of these orders, or orders of a like kind, could be prevailed on to take charge of a colony for the feeble-minded, such as exists in Ursberg, the problem of dealing with defectives in Ireland would be solved. Whether this problem be viewed from the religious, or simply the practical worldly aspect, the result is the same, and I heartily subscribe to the view of Dr. Eichholz when he says that, "Though the State may go far to solve the problem of its feeble-minded, even to endowing colonies such as Ursberg, it may yet feel grateful when voluntary effort steps in, for it is doubtful whether public money alone could ever command the self-sacrifice which such an undertaking demands."

CENTRAL CRIMINAL LUNATIC ASYLUM, DUNDRUM.

In reference to the criminal insane, I may perhaps claim to speak with some authority, as I have been for over twenty years consulting and visiting physician to the institution. There are some matters which in connection with the asylum and its population bear upon the work of the Commission to which I may briefly refer.

It is well to realise the differences existing between the two classes of inmates of the Central Asylum. Both consist of 150 individuals, 129 males, and 21 women. Of these 115 men and 18 women are detained during the pleasure of the Lord-Lieutenant and are known as "Pleasure" inmates, whilst twenty-four men and three women are undergoing sentence of penal servitude, or imprisonment and are known as "Convict" inmates.

These two classes differ widely from each other, not merely in the way in which insanity is developed, but in certain characteristics of mind, tendencies, and disposition, which in the convict are singularly uniform. The insane convict, usually a person of unstable mind, has become insane whilst in prison. With an hereditary history of insanity or alcoholism in most cases, his life from birth has been spent under conditions of poverty, recklessness, and crime. His propensities have been developed amidst an environment where every condition of life may be said to have been brutalised, and where the evil influence of association, coupled with the struggle for existence, gradually develops what is so well known to prison authorities as "Criminal-mindedness," another name for the lowest type of moral degeneracy. On the other hand, the "Pleasure" inmate is most frequently one whose habits and associations are unobjectionable, but who under an insane impulse, which perhaps should or might have been guarded against, commits a crime, often of the gravest nature, which renders the individual amenable to the law. In not a few instances persons of this class when brought to the asylum are of perfectly sound mind, all the conditions which led to the mental disturbance having vanished. It is easy to realise the horror felt by this unhappy individual when compelled to associate with the moral lepers represented by the convict class. I may be permitted to mention a case illustrative of this.

Some twenty years ago a member of my own profession, who held a public medical appointment in Ireland, a man of most respectable connections, shot his wife whilst suffering from an attack of *delirium tremens*, for which I believe he received no treatment by restraint or otherwise. At his trial he was found to be insane on arraignment and sent to Dundrum. On admission there he was found to be perfectly sane, and during eight years of his detention he was exemplary in every respect and exercised by his personal conduct and character a salutary influence over at least some of his associates. Yet during those eight years he was obliged to mix in the day room, dining room, dormitory, and exercise ground, with the convict inmates. At the time of his detention no attempt was made to classify the inmates of the asylum, and even at the present time the governor, Dr. Revington, who has been strongly commended for the administrative ability which he has shown in the management and organisation of the asylum, is unable, from deficient and defective structural conditions, to do what is so essential in a criminal asylum, to carry out a thorough system of classification. At present three classes are defined, the refractory, the convalescent, and the undefined class, but there still exists the grave objection of there being insufficient room, so that the refractory element is likely to overflow, necessitating the daily and nightly association of the restless, turbulent, and dangerous class with the harmless and well conducted members of the community.

Without dwelling at unnecessary length upon this point, I may mention that a small Departmental Committee has reported recently recommending structural and other alterations in the asylum, with a view of largely increasing its capacity for the reception of suitable cases for detention and treatment. It is suggested that a new

block should be erected with day rooms, dining room, and forty-five single bedrooms, with an airing court attached, and that as soon as practicable additional land should be acquired for the purposes of the institution. The necessity for extension of accommodation at Dundrum is called for not merely to provide for a proper classification of its inmates but also to render it more suitable than it is for the reception of a class of cases which can or should be treated in the asylum, a matter which opens up the question of the relation of the asylum to the prison. In the prison there are three classes of criminals which have to be considered in reference to the question of mental unsoundness. One may be disposed of at once, viz., the cases which present no difficulty as to the recognition of insanity. These are at once transferred to the asylum. The other two classes do present difficulties as to whether or not a sufficient degree of mental unsoundness exists to warrant certification, or whether or not the individual is counterfeiting insanity in order to escape the irksomeness of prison life. These two classes deserve a note of passing comment. Criminal-mindedness is an admitted type of mental depravation which represents to a considerable degree the mental characteristics of the convict, a condition envolving a low mental standard, with bluntness of the moral sense, criminality, and viciousness of conduct, but the type does not necessarily imply irresponsibility, and therefore non-punishability. Such persons are not to be regarded as insane, because the motives which regulate their acts are intelligible. Reluctance to work, gratification of the sensual instincts, the exercise of malicious intent to others, and the desire to escape from pains and penalties, constitute the ordinary sane motives for a line of conduct which from its extreme perversity suggests unsoundness of mind. These cases constitute a class in which it would be unreasonable to apply rigidly the standard of insanity and they come to be regarded as borderland cases, suitable for detention either in the prison or the asylum. If retained in prison, some relaxation of the rules which are ordinarily in force must be made, and a recognition implied of a mental state which envolves limited responsibility and therefore limited punishability.

Even with this exceptional treatment the mental balance is always in a condition of unstable equilibrium, and the criminal-mindedness of the individual leads him towards a line of conduct, so refractory in its nature as to render his detention in prison a matter of great difficulty. Such cases are usually certified and sent to the asylum. The change of environment, and the comparatively unrestrained life in the asylum, leads frequently to a salutary change in the convict's conduct, and he may give little or no trouble to those responsible for his management. It is, I believe, a good procedure to send those cases to the asylum. They are unmanageable in prison, and although when in the Asylum the evidences of feeble-mindedness, as it affects personal responsibility, may become less and less accentuated, still the characteristics of the type are sufficiently marked to warrant, on the ground of prophylaxis, that the individual should be detained in the asylum.

But the class of case where the criminal-mindedness of the individual leads him to a course of conduct deliberately planned with the object of exchanging the penal discipline of a prison for the haven of asylum life must be put on a different footing. In this class there may not be present any evidences of feeble-mindedness. On the contrary, you have indications of a strength of will and purpose worthy of a better cause. The convict will commit any form of extravagance suggestive of insanity. He attempts suicide, on several occasions, without, however, succeeding in his object; he makes use of the foulest language, often studiously incoherent; he is extremely filthy in his habits, commits violent assaults upon the warders, refuses food, and by his general course of conduct impresses the medical attendant that he is insane. He is, accordingly, certified as of unsound mind and sent to the asylum. Within an incredibly short interval the scene completely changes. The evidences of mental disturbance pass away and the convict not infrequently admits that he shammed madness to escape prison life. There is no special credit due to the officials of the asylum for recognising the true state of things, often extremely difficult to interpret whilst the individual was acting his part. And yet the correct diagnosis of such cases is one of considerable importance in this respect, that no example should be set to others to pursue a similar line of conduct leading to a like result. There would be a complete subversion of the amenities and wholesome discipline of prison life if schemers were, in any way, encouraged to escape the sanction affixed by the law to their offence.

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To sum up, I would say that as regards the insane convict there is no question but that he should be sent to Dundrum, and properly classified. With regard to the feeble-minded and borderland cases, whilst doubtless many such can be dealt with in prison, under modified conditions as regards dietary, exercise, association, and discipline, still in most instances, with an extension of Dundrum Asylum structurally, and in the acquirement of additional land, I consider it would be more desirable that these cases should be admitted to the asylum. In these borderland cases there is always an element of doubt, especially where thoroughly competent observers have examined the prisoner, and differ in their views.

But the question of the possible extension of Dundrum Asylum suggests the advisability of making a permanent provision for the feeble-minded and for the habitual criminal. The danger to society of setting persons of this class free to continue their life of crime at the expiration of their sentence is one that should be faced. There is no institution in Ireland corresponding to Parkhurst in England, and I would venture to suggest that a special department having the same purpose as it has, should be established in connection with Dundrum Asylum. Without any considerable increase of expense, as regards administration, there would be a means of providing for the two classes referred to that would be beneficial alike to them, as well as to society. They would be obliged to help towards their own maintenance by working on the land, or in connection with other suitable industries, and a life free from the struggles and temptations of times passed by, in which moral influences might help towards regeneration, would bring some measure of relief to these unfortunate classes. It may no doubt seem a strong measure to deprive an individual of his liberty after he has paid the penalty of his crime, but it can be fairly argued that he should be protected against himself, against conditions, hopeless for reformation and good conduct, that returned to the world, he helps to swell the class from which criminals are recruited, free to begin again the course of violence and crime which inevitably will lead him within the meshes of the law. This is a natural sequence. The individual is known to the police, he cannot obtain employment, even if he were disposed to work, and not withstanding Tallyrand's *mot*, he says to himself he must live. The question as to how such persons should be detained, either for life or until they showed such improvement in moral tone that they might be given a trial if steady employment could be obtained, or that they would be provided for by friends, is one that should receive careful consideration. A certificate signed by the prison authorities, with a full statement of the particulars of the case, and stating that the feeble-minded person, or habitual criminal, was a proper person to be detained at Dundrum Asylum, would be sufficient in the case where the prisoner had reached the end of his or her sentence. This might be strengthened in the case of the habitual criminal if the judge, in passing sentence, would direct permanent detention in the asylum, subject to certain conditions.

On one matter I entertain a strong opinion, namely, the transference of the insane convict to the county asylum, at the expiration of his or her sentence. The introduction of an insane convict, often of the lowest type, amongst a community that is free from the dangerous elements of criminal-mindedness, is, to say the least, a cruel and dangerous procedure.

Since writing the above I have learned that the New South Wales Parliament has recently adopted the indeterminate sentence for habitual criminals. By this procedure a judge is empowered in the case of criminals repeatedly convicted to declare under the "Habitual Criminals Act" that the prisoner is an habitual criminal, which means that at the expiration of his term of sentence he shall be detained during His Majesty's pleasure in some place of confinement set apart for the purpose. If the prisoner gives signs of having made some moral improvement, and that he is fit to mix in decent society, he may be released, but otherwise the Government has a right to detain him as long as it believes his freedom would prove a menace to society.

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22556. (*Mr. Byrne.*) On the first page of your statement where you are speaking of mental defect arising from malnutrition and environment, and so on, and you speak of the condition as spurious feeble-mindedness, you mean us to gather the impression, no doubt, that it is not real feeble-mindedness?—That it is a condition which is brought on by environment, and when the subject is removed from the unfavourable surroundings, then the evidence of feeble-mindedness subsides.

22557. In fact, disappears?—Disappears.

22558. And persons, although thrown back a little, may become normal members of society?—Quite so.

22559. And will not require permanent treatment?—Quite so. It simply bears on the importance of environment in producing a condition that simulates feeble-mindedness.

22560-61. I see also you tell us that in 1889 a Royal Commission reported with absolute unanimity that liberal grants should be made for the maintenance of two institutions for imbecile children in Ireland. Is that a British report?—Yes; I have it here. It is a very important report, dealing with the Blind, the Deaf, and the Dumb of the county. It was presented in 1889. The Commission was appointed in 1885. It deals not merely with the blind, the deaf, and the dumb, but it deals in a very important way with idiots and imbeciles, and it investigates the class that is the subject of consideration by this Commission.

22562. I did not know whether there was any special Irish report?—Yes; a report by a Committee appointed by the Lord-Lieutenant of Ireland on Lunacy Administration. That deals also with the question of imbeciles and the establishment of succursal asylums.

22563. With regard to the nature of the institutions which you recommend as a good mode for dealing with these people, have you any views as regards the numbers which might be dealt with with advantage?—I may say that on reading over some of the evidence given before the Commission in connection with that, Darenth Asylum impressed me very much with the idea that an institution of a similar kind would be specially suitable in Ireland for dealing with the defectives that are now in the workhouses; and so strongly did I feel that, that yesterday I called upon your secretary, Mr. Mothersole, and he very kindly telephoned to the authorities at Darenth Asylum for permission to see it. I went through the asylum yesterday, and was received most courteously by the resident superintendent, Dr. Rotherham. I spent two hours in going round it, and I have no doubt in my mind but that an institution of this kind established in Ireland sufficiently large to accommodate all the defectives that we have in the workhouses, would be the most economical and the most suitable means for providing for that class. There are two questions that would arise in establishing an institution like Darenth Asylum. One is that it ought to be sufficiently large to take in all the defectives. There are in Ireland at the present time, according to the reports of the inspectors of lunatics, 3,320 defectives, 200 in addition being provided for in the auxiliary asylum at Youghal. I see no reason, with a large institution built upon the colony system, and with each colony having provision for dealing with the different classes—with the completely ineducable, with the low form of educable and with the very high form of educable, and with the epileptic defectives—why you could not in that institution provide for all, and so get rid as much as possible of multiplication of expenses of management. I had some conversation with the resident superintendent, Dr. Rotherham, on this point. He has charge at the present time of a population of 2,000. Of those, some 1,600 are educable, more or less, and the remaining 400 are hopelessly ineducable; but he says that he would not have the least difficulty in managing twice the number that he has at present under his control, and it would not really mean any great increase in medical supervision, because the supervision that is exercised over those people is exercised in the schools and the different training departments in the colonies. He mentioned a curious and a very interesting point, that is, that within the last year there has been a saving of £5,000 effected principally in the reduction of attendants, high and low class, and they have been able to manage the institution with three medical assistants instead of four. So that he has been able to effect a reduction of expenses last year amounting to £5,000. But what he clearly impressed upon me was that there is no difficulty whatever in having a large institution of the kind, and I myself would say that it would be very much better to have not more than one or two institutions in Ireland. There is one point which, no doubt, would crop up. It is a matter which crops up more intensely in Ireland than it does in this country; that is the religious difficulty. If you had one institution, you would have to provide for the Roman Catholics and for the Episcopalians and the other religious sects. The other sects are very small. The Roman Catholics comprise 3,300,000 out of a population of a little over 4,400,000. But still a question would arise as to how you would treat those different inmates from the religious point of view. That, I think, would be met by the arrangement that you have in Darenth of having suitable places for religious worship for the Catholics and for the non-Catholics—have churches as we have in Dundrum Asylum—for both.

22564. So that one institution would do, or at most two?—One institution would do, but, taking into consideration the suggestion I made in my statement of having the institution placed under the charge of a religious order, this would involve some difficulty. I think you would have a sub-division of the cases, so that it would be quite possible to have religious orders representing the Protestants, having charge over Protestant inmates, and the Catholic order having charge of the Catholic inmates. There might be a little overlapping, but I think that is a matter that would have to be carefully thought out. It is the principle you would deal with.

22565. If you did utilise the services of religious orders would you have the whole institution—of course under Government inspection and regulation—under the management of a non-religious person—a doctor or other person, and use the religious as teachers and attendants and so on; or would you think it could be safely handed over to them entirely?—I think it could be safely handed over to them entirely. There is a point of some importance in connection with that to which I might call attention. It is in connection with evidence given by the Archbishop of Dublin in reference to the establishment of an institution for defectives and epileptics for Roman Catholics similar to the Stewart Institution. The Catholic archbishop was asked if it would be possible to have an institution for the education of imbeciles undertaken by religious orders, and he answers "No misgiving need be entertained upon this score. As regards the Catholic side of the question . . . . our resources in this respect are practically unlimited." This shows that there would not be any difficulty if you thought it proper to have those people taken charge of by religious orders.

22566. Has anything been done under that proposal of the archbishop?—I think I mentioned in my evidence that he offered to give £1,000. But then the report of the Commission was not acted upon, and there was no attempt made to carry out its recommendation of having a Treasury grant given for the support of those people, and the matter still hangs fire.

22567. Do you consider that some substantial Treasury assistance is a *sine qua non* before anything will be done?—Perfectly so. In reference to Ireland, I think Ireland can claim special consideration from the Treasury. I do not know whether it would be in order to mention what was emphasised by Mr. Childers in the Financial Relations Report, that Ireland was paying a sum of £2,250,000 in excess of what she should pay towards the Imperial Exchequer. One of the recommendations of Mr. Childers was that the sum that we were overpaying in Ireland should be refunded to Ireland in several ways that would promote her industries or help her in diminishing general or local taxation.

22568. (*Chairman.*) I think this is a little bit outside our view. We have already had some evidence of that kind?—The more money we in Ireland think we can get out of the British Treasury the better.

22569. (*Mr. Byrne*). Without substantial Treasury assistance nothing will be done?—I do not think anything will be done.

22570. Can you say in addition to that that the evils existing at the present moment for the want of such a

method are very great and call for Treasury intervention ?—I think it is a most crying grievance. I think any one who goes through the workhouses in Ireland and sees the wretched, unprotected way that these people are dealt with, must admit that it is one of the evils that specially call for redress.

22571. We observe that in Ireland there is no provision made in the education laws for the separate training of the mentally defective ?—No; we have nothing analogous to your special schools.

22572. Do you get on all right without them, or do you think that something in that line should be started ?—It is most important that special schools should be established, not for the defectives but for the dull boys. I think when once you get a defective you ought to put him in an institution. I do not think that we have machinery or funds in Ireland with which we can establish special schools except for dull boys.

22573. But the establishment of special schools would have the effect of enabling you to discover those who were too imbecile to use them ?—Yes.

22574. Would you consider that an additional reason for having them ?—Yes; to make a class in connection with the present schools.

22575. With regard to the criminals and the working of the criminal law in Ireland so far as it relates to defectives, you speak in a very interesting way about the provision for the criminal classes—the criminal-minded and so forth; do you consider that the existing law is sufficiently exact in dealing with people of certain degrees of mental defect ? Is it enough to say that they are insane or that they are not insane, or are there intermediate classes between sanity and insanity which ought to be dealt with in ways different from those now adopted ?—I think that there ought to be some alteration in the law dealing with the feeble-minded class that find themselves so frequently in prison.

22576. Would you, in the first place, deal with them differently when they are brought before the Courts ?—I think on the first or second or even third occasion I would not—it is only when they are brought sufficiently often before the court to be placed in the category of being habitual criminals; I would deal with them by special certificate or by giving power to the judge to determine them as being habitual criminals, and give them what is known as anindeterminate sentence.

22577. Would you make that dependent on a verdict of the jury; some such verdict as "Guilty but weak-minded" ?—I think it ought to be given into the hands of the judge in the case of an habitual criminal, because he has before him the whole history of the individual and his general character.

22578. The individual would come before the judge charged with wilful damage or assault, we will say. What would you recommend the procedure should be ? Should the judge suddenly break off that charge and say: "We must try that man for being an habitual criminal," or should it be added to the indictment ?—I should suggest the judge having before him the number of times this man had been convicted and taking into consideration the nature of the crime, supposing it was a crime of violence, destruction of property, burglary, or anything like that, I think the judge, upon that record, should give that criminal, on his own responsibility, the indeterminate sentence; that is, that he would be detained during his Majesty's pleasure. I do not know if you are aware that there has been a case in which this procedure has been adopted. It was mentioned in the *Review of Reviews for Australia*. It states that the New South Wales Parliament has established this procedure of indeterminate sentence. It gives a case where it has been put into operation. After passing a sentence of three years' hard labour on a man who since 1876 had received sentences totalling twenty-two years, Judge Rogers added "I now declare you, under the Habitual Criminal Acts, to be an habitual criminal." It is stated in the *Review* that this is the first instance in any jurisprudence in the world where the provisions of such an Act have been put into operation.

22579. Indeterminate sentences for ordinary criminals are common in English-speaking communities ?—I was not aware of that.

22580. You would recommend definitely both the system of the indeterminate sentence and the system of trying the man for being an habitual criminal ?—Yes.

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22581. You think that if these two things were introduced the substantial necessary changes of the law would be made ?—Yes; it is in connection with that that I have made the suggestion of the extension of Dundrum.

22582. On the last page of your statement (*page* 105, *col.* 2) you say, "On one matter I entertain a strong opinion, namely, the transference of the insane convict to the county asylum at the expiration of his or her sentence." Is it your experience that it is easy to certify in all cases such a convict in such a way as to get him detained in an asylum ?—I do not think there is any difficulty about that. What would happen would be that if the man were sane and he had a determinate sentence, he would be discharged; but there is no question at all about the class of man as regards sanity that would be transferred to the district asylum; he is insane. But the objection I raise is that you are sending a man with strong criminal tendencies into a district asylum; that you are introducing a new element in that asylum which is not fair to the other patients that are there. Of course, if you had a quiet, harmless kind of convict, this man might be sent to a district asylum, but this is an exceptional case.

22583. There are very many persons in England, we have been told, who are constantly being re-convicted, and in the intervals between their prison sentences they are in and out of asylums and so on, people of unstable mind who, when in an asylum, are quite sane, and when out of it, under the stress of the world, their mind gives way; would you recommend any special treatment of such persons ?—Is not that the class you would send to Parkhurst ?

22584. Only if they commit serious crimes. Parkhurst is a penal servitude prison. I am speaking of those who merely get drunk, break public-house windows, and so on ?—That is a class which is very difficult to deal with. I do not think they ought to be sent to an asylum. I think they ought to be sent to a special place provided for them.

22585. When you have got one of those men in prison, and he has been there 100 times before, and has been in and out of an asylum ten times, what powers would you give to anyone to deal with him ?—Could not you deal with that man under the Habitual Criminals Act ?

22586. Would you call a man who has been merely drunk 100 times a criminal ?—When he has committed other offences, yes.

22587. You would apply the same method to the serious criminal, the burglar, and to the smaller criminal, so long as they both shewed they were unfit to be at large ?—Yes, as long as they shewed some criminal-mindedness.

22588. You have had experience, no doubt, of the inebriate reformatories and inebriates' retreats ?—Yes.

22589. Have you any advice to give to the Commission on those subjects ?—It is not an investigation that I am very familiar with except the ordinary cases that arise in connection with a doctor's practice. There is one thing I am very strongly impressed with, that is, that those private retreats ought to be completely suppressed. I think they are more or less fraudulent in their nature. I can speak myself from the cases that I know of, there were abundant opportunities of obtaining drink, it was simply a question of getting money from those unfortunate people without exercising the slightest restraining influence upon their drink tendencies.

22590. Those would be uninspected retreats, I suppose ?—I do not think any retreat should be allowed to be in existence except under conditions of inspection. I know there are great frauds in connection with those retreats, where a patient enters and pays a large sum in advance and he is supposed to be treated for a long period. He is tempted to go into them probably influenced by the consideration that he will be treated by injection of chloride of gold. But they go in for three or four days and then the passion for stimulants becomes so acute with them that they leave the place. The people are not particularly anxious to detain them, having got their full money in advance. In that way I think a considerable amount of fraud is perpetrated on a very unfortunate class.

**Questions 22591 to 22623.**



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22591. So you recommend that they all should be inspected ?—All should be inspected and all licensed.

22592. And it should be an offence to start one unlicensed ?—Yes.

22593. (*Mr. Dickinson.*) With reference to these cases of habitual criminals can you give us any figures, or your own opinion, as to the extent to which the police courts in Ireland are habitually full of this kind of case ?—No, I am afraid not. I can merely tell you my remembrance of men who were charged with offences 200 and even 300 times in a short time, but I have no information with regard to the figures.

22594. You cannot say how far those are defective people ?—I think I would say in the majority of cases they were criminal-minded people, and I think in most of these instances you have a feeble-minded condition coming in.

22595. Do you mean the vast majority of police-court cases ?—I think the majority.

22596. There would be signs of a defective mind ?—Yes.

22597. You said to Mr. Byrne that there were 3,300 defectives; what were you referring to—what is that number?—That is the number at present in the workhouses throughout Ireland, taking the different classes.

22598. May I refer you to your heading "The Insane and Feeble-minded Population of the Workhouses"; is that the number, 3,320 ?—Yes, quite so.

22599. There you speak of "3,320 pauper lunatics" ?—Yes; that is scarcely accurate; some are lunatics. By "lunatics," I take it you mean those who would be capable of being certified under the present law. Then the others are not lunatics; they are of the defective class—imbecile and feeble-minded.

22600. Do I take it that none of the 3,320 pauper lunatics are certified ?—They are not, in the workhouses I do not think they are.

22601. But they are persons who either might be certified or who in your opinion are idiots, or imbeciles, or defective-minded ?—Yes; that is a matter upon which Dr. Courtenay, the inspector of lunatics in Ireland, would give you more accurate information than I can. But amongst those 3,320 pauper lunatics, if one of them becomes troublesome, he or she is at once certified and sent to an asylum to be dealt with as a lunatic.

22602. In addition to these 3,320 persons of unsound mind not certified, in the workhouses, would you say there was also a very large number outside the workhouses ?—A very large number. That was particularly made out in the report on Lunacy Administration in Ireland in 1891, and the Local Government Board inspector, Sir Francis MacCabe, undertook to examine certain districts, I think the south district of Dublin, and Carlow, to determine how many of these feeble-minded and imbecile persons were to be met with outside the workhouses, and he found a very considerable number. He found some of those cases in a condition most deplorable in its kind; utterly neglected. So that it has to be borne in mind that besides those 3,320 you have a number who are not under supervision or taken care of in any way.

22603. Whose investigation was that ?—Sir Francis MacCabe. I beg your pardon; I have made a mistake. Sir Francis MacCabe's report is in the report of the Royal Commission on the Blind and Deaf and the Dumb in 1889.

22604. (*Chairman*). That is the British report ?—That is the British report.

22605. (*Mr. Dickinson.*) This is an investigation which Sir Francis MacCabe made into this very question ?—Which he has made into that very question; yes.

22606. Did he give any numbers ?—He does not give any numbers, but I could let you know later on the exact reference to Sir Francis MacCabe. This is what he says: "The Lord-Lieutenant was anxious to know what was their condition—that is, the condition of the class outside the workhouses—and the witness was asked whether he could undertake to visit them at their own homes. He said that to undertake to visit them all would be impossible unless he were to lay aside all his other duties, but that if he were permitted to take two Unions as typical of their condition, one an urban Union and the other a rural Union, he would visit every case in those two Unions. He accordingly visited the South Dublin Union as a type of the urban population, and the Carlow Union, which includes the entire county of Carlow, as a type of the rural population, and he visited all unregistered lunatics at large. Then he gives details of some cases: "I found a little boy fourteen years of age, an idiot, perfectly naked, lying in a filthy bed, wretchedly neglected, unable from confinement to bear the light, and who ought to have been in an institution." That was a child that was lapsing into blindness from neglect.

22607. That was to inquire into lunatics, not the feeble-minded ?—No; it took in the whole class—idiots and imbeciles. I think Sir Francis MacCabe uses the word "lunatic" as synonymous with imbeciles and idiots; I do not think he draws a distinction.

22608. Is that usual in Ireland; to use the word "lunatic" in a more general sense than we do here ?—I think it is used in a more general sense.

22609. Including all imbeciles ?—Yes; all of unsound mind.

22610. In Ireland are the idiots in lunatic asylums ?—No; the idiots are chiefly in the workhouses. There are some idiots in the lunatic asylums, but this is exceptional; they are not numerous.

22611. That is because of difficulties of administration, I suppose ?—It is very much more expensive. If you put all the idiots into the lunatic asylums in Ireland, you would have to extend the asylums considerably, and they are already overcrowded. The asylum authorities are very anxious to get rid of their idiots, especially the pauper idiots, and send them to the workhouses.

22612. Then I understand, in your opinion, they ought not to be in the workhouses ?—Certainly not; they ought to be in a special institution provided for them, but not a lunatic asylum.

22613. (*Dr. Dunlop.*) Did I understand you rightly, when you were talking of the uncertifiable defectives, that there is a class of defectives not certifiable ?—I think so; that is under present conditions—the feeble-minded.

22614. Is that a right thing ? Do you think it is right that defectives should be divided into two classes, one certifiable, and the other not ?—I think all defectives ought to be certifiable.

22615. As a matter of fact, is there any reason why they should not be certified at the present moment ?—It depends on the machinery that is provided. I think it is an unreasonable thing to require a doctor to certify for feeble-minded people who do not show any active evidence of unsound mind, and who might, either by themselves or through their friends, be litigious and give the doctor a very unpleasant time for having done what was practically his duty. I do not think you should throw the onus of responsibility on the unfortunate doctor; I think he ought to be protected.

22616. The doctor ought to be protected ?—Certainly.

22617-18. But, over and above that, do you think it desirable to divide defectives into two classes, and style the one certifiable, the other not certifiable ?—I do not think it is.

22619. Would you like the lunacy certificate to be such as to cover all classes of mental defect ?—All classes of defectives, certainly.

22620. At the present moment the ordinary lunacy certificate is not limited to any particular defective class, and other defectives can be brought under it ?—I think you would have a great difficulty.

22621. Assuming the doctors were protected and did not think of the risk ?—But suppose you take the class of feeble-minded who upon examination present no signs of mental disturbance that are observable; that constitutes a different class of person altogether from the person who is certifiable under the present law.

22622. Does it ?—Of course it does.

22623. When the doctor is able to diagnose mental defect, surely he is able to find sufficient facts to establish mental unsoundness ?—That assumes that he is able to give some reasons for his opinion. It does not do for a doctor to say; "I saw in the man's eye that he was mentally defective." That will not be accepted. He

must give some distinct, intelligible statement upon which he bases his opinion.

22624. Surely, the doctor, if he is worth his salt, would not come to that opinion without having the facts to base it on ?—To begin with, I think every doctor is worth his salt; but I do not think a doctor should be expected to do impossible things. In the case of a defective the doctor may make up his mind from the history of thoroughly reliable people, but as to making up his mind from any facts of feeble-mindedness that he can observe in an interview of a quarter of an hour's duration, I do not think that that is always or even commonly possible.

22625. At all events, your opinion is that the certificate ought to be such that it is applicable to all defectives ?—Yes; and that there ought to be a protection for the doctor. For instance, the certificate should be countersigned by an inspector of lunatics, or by some official; and I suppose on the order of a magistrate, or a county court judge, the man would be disposed of.

22626. You give some valuable advice about the treatment of insane prisoners or defective-minded prisoners; have you personally a wide experience of them outside the Dundrum asylum ?—No.

22627. You have not been in the prison service ?—I have never been in the prison service. I have often seen prisoners supposed to be insane; I have come into contact with them a great deal in that way.

22628. You talk about criminal-mindedness. You state that criminal mindedness is "an admitted type of mental depravation." Is that based on study or is it based upon your own personal observation ?—Based mainly upon study, and to some extent on personal observation; but, especially from the study of the writings of a man whom I came across in connection with this class; that is Dr. Nicholson, the Lord Chancellor's Visitor in Lunacy, who has written an article in "Allbutt's System of Medicine," of great value, on criminal insanity. The points that he makes in connection with this condition of criminal-mindedness have been to my mind clear and quite defensible.

22629. If you do not know a case individually, perhaps it is hardly fair to press you with it, but you are very strong in your opinion that the unfortunate defective who has been put in prison should not be sent to a district asylum afterwards ?—I think not, in most cases, because you are introducing a type there which is quite different from the insane—you are introducing the criminal type.

22630. Are you introducing the criminal type ? Have you seen the criminal type among this class ?—I can imagine that the type of man that we have in Dundrum, representing that strongly criminal type of insanity, would be a very objectionable person to introduce amongst ordinary asylum patients.

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22631. What brings patients to Dundrum as a rule; are not they neglected asylums cases or King's Pleasure cases; are not they neglected lunatics *ipso facto* ?—I do not understand how they are "neglected" lunatics. They are certified insane, if found insane on arraignment.

22632. Pardon me; at the time they commit their crime are they not simply neglected lunatics ?—Not necessarily; they may not be lunatics. They may become lunatics during the time they are waiting for trial or after they are sentenced, when undergoing imprisonment.

22633. Let us go back to the point we were on. You are very emphatic in your opinion that because a lunatic happens to be in prison he is necessarily criminal-minded and should not be sent to a district asylum ?—I did not say that.

22634. You would limit it further than that ?—I drew the distinction between the King's Pleasure inmates of Dundrum and the convict inmates.

22635. Please talk about ordinary prisoners in ordinary prisons ?—If you allude to convicts there are exceptions, but, as a rule, I do not think they ought to be sent to the district asylum. You might have a harmless convict lunatic about whom there would be no difficulty, but I am talking of the general rule.

22636. You were talking about inebriates; a lot of them are mentally defective are they not ?—I think they are.

22637. Do you think it is desirable that there should be power of compulsory detention on the application of a near relative or an inspector of poor ?—Yes, if you hedge it round with a number of safeguards; I think there ought to be power of compulsory detention, but I think the safeguards should be very carefully thought out, and there should be no infringement of the liberty of the subject without very good cause and without thorough protection of his rights.

22638. Is that a very necessary provision ?—I think it is.

22639. In your medical practice you must have come across many cases ?—Yes; a very curious thing in connection with my practice is—I do not know whether it corresponds with that of others—that I scarcely ever saw a man get an attack of *delirium tremens* who did not die subsequently of the disease; either getting another attack, or dying of some form of alcoholism.

22640. (*Chairman.*) Is there anything you would like to add ?—I do not think so, except the question of providing means for establishing our colonies in Ireland, but you rule that this is out of order.

## E. Maziere Courtenay, Esq., M.B., called; and Examined.

22641. (*Chairman.*) Would you kindly tell us how long you have been inspector of lunatics and lunatic asylums in Ireland ?—Since the year 1890. I was previously superintendent of the Limerick asylum since the year 1873.

22642. You have been so good as to give us a statement of your evidence; may we put it on our notes ?—Certainly.

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Statement of the Evidence proposed to be given by E. Maziere Courtenay, Esq., M.B., Inspector of Lunatics and Lunatic Asylums in Ireland.

No amending and consolidating Lunacy Act, dealing with the admission, the care, and the discharge of the insane, and the management of lunatic asylums, such as the English Lunacy Acts of 1889 and 1890, has been passed for Ireland. The Acts governing the lunacy system in Ireland are scattered through the statutes from 1821 (1 & 2 Geo. IV., cap. 33) to 1901 (1 Edwd. VII., cap. 17).

The necessity for an amending and consolidating Act was dwelt on by the Commission on Irish Lunacy Administration appointed by the Lord Lieutenant in 1890, and which was presided over by Sir Arthur Mitchell, then one of the Lunacy Commissioners for Scotland, and the scheme of such legislation was sketched out by this Commission. Unfortunately, no legislative action has since been taken in the matter.

The Acts relating to the care of the insane in Ireland, therefore, in some cases contain provisions which are not in accordance with modern ideas on the subject. They do not sufficiently guarantee the proper admission of the insane to asylums, nor do they adequately safeguard the public against the suspicion that cases are unnecessarily detained in these institutions.

Very important changes in the management of district (county and borough) asylums, however, and in the care of the insane therein were brought about by the provisions of the Local Government (Ireland) Act, 1898.

Under the 9th section of that Act, the duty of providing and maintaining sufficient accommodation for the lunatic poor was thrown on the county councils, and the business of the old boards of governors, who were appointed by the Lord Lieutenant, was transferred to committees of the county councils, who must "properly manage and maintain every lunatic asylum for their county, appoint and remove the officers (subject to the concurrence of the Lord Lieutenant as regards medical officers), and regulate the expenditure."

The powers, under the older Lunatic Asylum Acts, of the Lord Lieutenant and of the inspectors of lunatics, as regards the matters above referred to, and also as regards the erection of district asylums and the appointment of governors, were abolished.

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The board of control, appointed under the 5th section of 1 & 2 Geo. IV., cap. 33, and the 5th section of 18 & 19 Vic., cap. 109, to superintend the erection of district asylums was also done away with.

The only powers reserved to the Lord Lieutenant under the Act are (1) concurrence in the appointment or removal of the resident medical officers, and the fixing of their salaries; (2) the approval of plans or contracts for the purchase of land or buildings, or the erection, restoration, or enlargement of buildings; (3) approval of regulations respecting the government and management of the district asylums, and (4) power to compel county councils to fulfil their duty with regard to the provision and maintenance of sufficient accommodation for the lunatic poor.

The inspectorial powers of the inspectors, and the power of inquiring into all matters relating to lunatics, wherever confined, were, however, reserved to the inspectors in their entirety.

Lunatics are received and detained in Ireland under statutory authority, and under medical certificates in:—

(1) District asylums.
(2) Auxiliary asylums.
(3) Licensed houses.
(4) Lunatic hospitals.
(5) Workhouses, under the 9th section of 38 & 39 Vic., cap. 67.
(6) As single patients.

(1) District asylums, originally erected and maintained under 1 & 2 Geo. IV., cap. 33, and subsequent Acts, were, as already stated, on the passing of the Local Government Act of 1898, handed over to the county councils, by whom such institutions are now erected, managed, and maintained.

The authority in this respect is exercised by a committee of the county council, and where the asylum is for two or more counties, by a joint committee of members from each county, fixed in proportion to the number of patients therefrom.

A district asylum may be for one, or more than one county, or for a county borough and a county or counties.

Under the 84th section of the Local Government Act, in each lunatic asylum there shall be a resident medical superintendent, and at least one assistant medical officer, whose salaries cannot be fixed or altered without the concurrence of the Lord Lieutenant.

These establishments are supported out of the county-at-large rate, and the patients therein are maintained out of the same fund, with a Government contribution of 4s. per head per week from the Local Taxation Account, save in cases where the lunatic is possessed of means for his own support, or has friends who contribute towards his maintenance.

The net average cost of maintenance in these establishments for the year ending 31st March, 1905, amounted to £23 12s. 10d., or 9s. 1d. per week for each patient.

There is no law of settlement in Ireland, and when a lunatic is sent to an asylum he becomes chargeable to the county or borough in which he was arrested or resided. No power exists to remove a lunatic from one asylum to another. When a lunatic is admitted to an asylum he must remain there, whether he belongs to the district or not. The local authorities complain bitterly of this in some cases—for instance, in cities or places where wandering lunatics are prone to congregate, such as large seaport towns. There is no arrangement for the transfer of patients from one asylum to another, as provided for in Section 65 of the English Lunacy Act.

Under Section 9 (6) of the Local Government (Ireland) Act, 1898, the county council, through their asylums committee may—and if the Lord Lieutenant requires, shall—make regulations for the management of their asylum; and, amongst other matters, for the admission and care of private patients.

(2) Under the 76th section of the Local Government Act of 1898, power is given to county councils to take over a workhouse or other suitable building to provide an auxiliary asylum for the reception of chronic lunatics, who, not being dangerous to themselves or to others, are certified by the medical superintendent not to require special care and treatment in a fully equipped asylum, and such auxiliary asylum may either be a separate asylum or a department of the district asylum.

For the patients maintained in these establishments only 2s. per head per week is paid out of the Local Taxation Account.

In only one case as yet have the provisions of the section been brought into operation, viz., at Youghal, where an old industrial school has been converted into an auxiliary to the Cork Asylum, for the reception of about 400 chronic and harmless insane, taken partly from the district asylum and partly from the workhouses of the county.

(3) Licensed houses regulated under the provisions of 5 & 6 Vic., cap. 123. Licences to keep these houses are obtained from the Justices in Quarter Sessions, and may be revoked by the Lord Chancellor on the recommendation of the inspectors of lunatics. No provision is, however, made in the Act for framing regulations for the government of licensed houses, such as is made by Section 226 of the English Lunacy Act, nor is there any statutory provision for the reception of voluntary boarders.

(4) Lunatic hospitals, supported partly by private charity and partly by endowment. These institutions are referred to in Section 49 of the Act 5 & 6 Vic., cap. 123, but there are no statutory regulations for their management as laid down in the English Lunacy Acts, Sections 230-237. Indeed, the only section (49) dealing, with them, exempts them from the provisions of the Act, except as regards visitation, inquiries, and the due certification of the patients therein.

(5) Workhouses.—Under the provisions of 38 & 39 Vic., cap. 67, section 9, power is given to the managing committee of an asylum (with the consent of the Local Government Board and the Inspectors of Lunatics) to enter into a contract with the Guardians of any Poor Law Union for the maintenance in the Union workhouse of chronic lunatics, not being dangerous, who may have been received into a district asylum. This section corresponds with Section 26 of the English Lunacy Act. In Ireland it has not been found to work satisfactorily, owing to the division of responsibility. Only four district asylums have taken advantage of the provisions of this section, viz., Antrim, Belfast, Ennis, and Londonderry, and only 119 patients in all are thus maintained.

(6) As single patients in unlicensed houses. Such cases are generally under the care of the LordC hancellor, and do not come under the supervision of the inspectors.

In cases not under his Lordship's jurisdiction, where the patient is kept for profit, Section 36 of the Act 5 & 6 Vic., cap. 123, lays down that an order and medical certificates are required, as on admission to a licensed house. Copy of such order and medical certificates must be forwarded to the Inspectors of Lunatics within three months of the date of reception of the patient (unless he or she has meanwhile returned to his or her own home), and afterwards, on 1st of January of each year, two medical certificates describing the then actual state of mind of the patient must be furnished to the inspectors.

At the present time there are approximately 3,320 lunatics, including idiots and imbeciles, maintained in the Irish workhouses. But these inmates are not retained therein under any legal authority or certificate; they are maintained merely as paupers, and although classified as insane, and kept in "imbecile" wards, there is no statutory authority for their detention. These inmates have decreased very much of late years, and are by degrees being transferred to district asylums.

The following Table giving the proportion per cent. of the total number of the insane under care in different institutions in each quinquennial period since 1890 shows the gradual transfer of the insane from workhouses to asylums:—

TABLE showing the proportion per cent. of the total number of the insane under care in different Institutions, in each quinquennial period since 1880, and also in 1904.

| Year. | Proportion per cent. of total number under care. | | |
|---|---|---|---|
| | In District Asylums. | In Workhouses. | In Private Asylums, &c. |
| 1880 - - - | 67 | 27 | 6 |
| 1885 - - - | 69 | 25 | 6 |
| 1890 - - - | 71 | 24 | 5 |
| 1895 - - - | 73 | 22 | 5 |
| 1900 - - - | 77 | 18 | 5 |
| 1904 - - - | 81 | 14 | 5 |

The following return of the numbers transferred from workhouses to district asylums each year since 1890 shows the increased percentage of workhouse cases in the admissions:—

TABLE showing the admissions to District Asylums during each of the years from 1890 to 1904, and of these the numbers admitted and re-admitted from Workhouses.

| Year. | Total number of admissions. | Admissions from Workhouses. | | | Percentage of Workhouse admissions to total admissions. |
|---|---|---|---|---|---|
| | | 1st admissions. | Re-admissions. | Total. | |
| 1890 | 3,095 | 306 | 90 | 396 | 12·79 |
| 1891 | 3,010 | 297 | 84 | 381 | 12·66 |
| 1892 | 3,181 | 329 | 94 | 423 | 13·30 |
| 1893 | 3,207 | 349 | 89 | 438 | 13·66 |
| 1894 | 3,229 | 376 | 84 | 460 | 14·25 |
| 1895 | 3,216 | 413 | 75 | 488 | 15·17 |
| 1896 | 3,329 | 459 | 89 | 548 | 16·46 |
| 1897 | 3,285 | 435 | 111 | 546 | 16·62 |
| 1898 | 3,469 | 500 | 134 | 634 | 18·28 |
| 1899 | 3,549 | 542 | 125 | 667 | 18·79 |
| 1900 | 3,546 | 621 | 105 | 726 | 20·47 |
| 1901 | 3,572 | 602 | 117 | 719 | 20·13 |
| 1902 | 3,947 | 757 | 122 | 879 | 22·27 |
| 1903 | 3,950 | 685 | 125 | 810 | 20·51 |
| 1904 | 3,910 | 905 | 105 | 1,010 | 25·83 |
| Total | 51,495 | 7,576 | 1,549 | 9,125 | 17·72 |

### ADMISSION OF LUNATICS INTO INSTITUTIONS UNDER CERTIFICATES.

*(Procedure for admission to district asylums)*

(1) The greater number of admissions to district asylums are effected under the tenth section of the Act 30 & 31 Vic., cap. 118, called the Dangerous Lunatics Act. Under the provisions of this section, the alleged lunatic is arrested on the affidavit of a relative or of the police, and brought before two justices, and on its being proved that such person was discovered under circumstances denoting a derangement of mind, and a purpose of committing some crime for which, if committed, such person would be liable to be indicted, the justices shall call to their assistance the nearest dispensary medical officer, and if he certifies that such person is a dangerous lunatic, or idiot, the justices direct his transfer to the asylum, which is carried out by the police. He, therefore, becomes *ipso facto*, a criminal, and is treated as such.

(2) Under the statutory rules for the management of district asylums a form of application for admission is laid down. This method of admission preceded in point of time the procedure under the Dangerous Lunatics Act, but there is still great doubt as to how far the form is mandatory. Under it no provision is made for the conveyance of the lunatic to the asylum, or for defraying the cost of the medical examination and certificate.

As these matters are provided for under the Dangerous Lunatics Act, the procedure under that Act is the mode generally adopted, at any rate in remote districts.

### PROCEDURE FOR ADMISSION TO LICENSED HOUSES AND LUNATIC HOSPITALS.

(1) The Lord Chancellor may order the admission of any person as the result of an inquisition in lunacy. The procedure is in practice only resorted to in the case of wealthy persons.

The Inspectors of Lunatics are not concerned with lunatics so found, as they are under the jurisdiction of the Lord Chancellor, and are under the care of special medical Visitors.

(2) Under 5 and 6 Vic., cap. 123, section 14, persons are received into licensed houses and lunatic hospitals under an Order and two medical certificates.

The Order differs from that in use under the English Lunacy Act, in that there is no reference to any judicial authority. There is no special urgency order, but, under Section 15, sanction is given for the admission on one medical certificate, provided that the special circumstances which have prevented the patient being visited by two medical practitioners are stated, and that the second certificate is signed within fourteen days.

The medical certificates differ also from those in use in England, in that there is no obligation to give particulars of the facts indicating insanity observed either by the medical practitioner or by others.

All that is laid down is that the certificate shall be in accordance with the forms given in the Act, and shall be signed by two duly registered medical practitioners, not being in partnership, who shall have visited the patient not more than seven clear days previously, and the certificate shall be signed on the day on which the examination took place, and shall state that the patient is insane and a proper person to be confined.

Under Section 16, notice of the admission of a patient, with copy of the Reception Order, has to be sent to the office of the Inspectors of Lunatics within two clear days, in the case of private patients.

(In the case of rate-paid patients such notice must be sent after two and within seven clear days. This latter regulation is laid down in the statutory rules for the management of district asylums.)

### AMENDMENT OF RECEPTION ORDER.

Under Section 5 of 38 and 39 Vic., cap. 67, if either the Order or medical certificates are found incorrect or defective, they may, with the sanction of the inspectors, be amended within fourteen days of admission, by the person signing the same.

No provision has yet been made as regards the duration of the Reception Order in Ireland, either in the case of private or rate-paid patients. No enactment similar to that contained in Section 38 of the Lunacy Act of 1890 is in force in Ireland.

When once a patient is admitted to an asylum, the Orders and certificates continue in force until he dies, or is removed by his relatives, or discharged on the certificate of the medical officer, or, in the case of private patients, where a doubt exists as to the insanity of the patient, by one of the Inspectors of Lunatics after consultation with the medical superintendent of the nearest district asylum.

### DISCHARGE.

Rate-paid patients are discharged, under the provisions of the statutory rules in force in district asylums, by order of the committee, the Lord-Lieutenant, the Lord Chancellor, or one of the Inspectors of Lunatics, on the certificate of the medical superintendent as to the patient's mental condition. Patients admitted as dangerous

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lunatics can be removed by their relatives on entering into a recognisance for their safe-keeping under 30 & 31 Vic., cap. 118, section 10, subject to the veto of the committee of management in case the medical superintendent certifies that this cannot be done with safety to the public or to the patient.

Lunatics transferred from gaol can only be discharged by order of the Lord-Lieutenant, before the expiration of their sentence.

Patients under the care of the Lord Chancellor can only be discharged by order of his Lordship.

Patients are discharged from licensed houses and lunatic hospitals on the order of the person on whose authority they are admitted, or by whom they are paid for, but there is no statutory provision for this, as in Section 83 of the English Lunacy Act.

In any case where an inspector doubts the propriety of the detention of a patient in a licensed house, he shall make a special visit, accompanied by the principal medical officer of the nearest district asylum, and if after two visits it shall appear to the inspector and medical officer that such patient is detained in such house without sufficient cause, they may give orders for the discharge of the patient, and shall make an entry of the results of their visit in the patients' book. A fortnight is to intervene between the first and second visit, and before the second visit notice is to be given to the proprietor of the licensed house, and to the person by whose authority the patient was received into such house. (5 & 6 Vic., cap. 123, sections 28 and 29.)

INSPECTION.

The visitation of madhouses, and all places where idiots and lunatics were confined, was formerly carried out by the inspectors-general of prisons, who were empowered under 7 Geo. IV., cap. 74, sections 55, 59, and 61, to visit, to examine concerning the due performance of the rules, and also concerning all matters connected with expenditure, discipline, or regularity of these institutions, and to examine on oath, and to report thereon to the Lord-Lieutenant. By the Act 8 and 9 Vic., cap. 107, section 23, these powers were transferred to the two Inspectors of Lunatics appointed under this section, who are, under Section 24, directed to visit every asylum, gaol, workhouse, house of industry, etc., at least once a year, and to inquire whether the provisions of the law have been carried out, and as to the regularity of the admissions and discharges, whether Divine service is performed, and whether any system of coercion is in practice therein, and as to the classification of the patients, and the number of attendants of each class, and as to the occupations and amusement of the patients, and the effects thereof, and as to the condition as well mental as bodily of the patients when first received, and as to the dietary, and also any other inquiries the inspectors think right.

Licensed houses have to be visited by one of the inspectors once at least in six months (5 & 6 Vic., cap. 123, sections 20 and 21). They are to inspect every part of the premises included in the licence, and to see every patient confined therein, and to inquire whether any patient is under restraint and why, and also to inspect the certificate of admission of every patient admitted since the last visit, and to enter in a book a minute of the condition of the house and patients therein, and of the number under restraint, and any irregularity in the certificates, and to sign the licence, if in conformity with the law, at the first visit after it has been granted. They are further to inquire whether Divine service is read, or what religious aid the patients receive, and what description of employment, amusement, or recreation is provided for them, and shall enter the result of these inquiries in the book kept for the purpose, and where it does not appear that Divine service is performed, or where communication with a minister is not permitted, the proprietors shall state the reasons thereof. A copy of the report of the visiting inspector shall be sent to the clerk of the peace to be laid before the Justices at Quarter Sessions. (Sections 22 and 23.)

No provision is made in Ireland for the appointment of justices to act as visitors of licensed houses as is done by Sections 177–182 of the English Lunacy Act.

CRIMINAL LUNATICS.

The Irish Criminal Lunatic Act, 8 & 9 Vic., cap. 107, provided for the establishment of a central asylum for insane persons charged with offences in Ireland, for the appointment of the staff, and for the removal and detention of criminal lunatics therein, including persons ordered to be detained during the Lord-Lieutenant's pleasure.

The persons detained in Dundrum Asylum may be divided into three classes :—

(1) Criminals who, whilst undergoing sentence of imprisonment, are certified to have become insane.

(2) Lunatics who have been found insane on arraignment and incapable of pleading, or acquitted on the ground of insanity.

(3) Persons accused of offences concerning whom a special verdict of "guilty but insane" at the time of committing the offence has been found.

These three classes present special features and require different modes of treatment.

(1) This class presents, in some cases, the usual forms of insanity, with the criminal type more or less fully developed. In most cases they are of the lowest moral development, dogged, homicidal, or cunning and treacherous. In other cases, when in the asylum, there is little evidence of insanity. These may be classed as moral delinquents, who at an early age have become offenders and, in time, habitual criminals. At all times more or less feeble-minded, when in gaol they at once simulate insanity, and cannot be made to conform to prison discipline. In many cases, when they are certified and sent to Dundrum Asylum, they almost at once give up their troublesome habits, and conduct themselves with propriety, except that they are constantly on the watch for any chance of escape.

(2) This class evidences generally the symptoms of ordinary insanity, in some cases presenting no peculiar features, in others subject to extreme homicidal tendencies.

(3) These latter cases are generally sane, the crime of which they have been convicted being frequently murder—committed either under the influence of alcohol or from some sudden unexplained impulse.

The inmates of Dundrum Asylum may be discharged under the following circumstances :—

(1) Insane convicts when certified by two physicians to be of sound mind, if they remain subject to be continued in custody may be removed back to gaol by order of the Lord-Lieutenant (8 & 9 Vic., cap. 107, section 12).

(2) On the expiration of sentence, the Lord-Lieutenant shall direct the discharge of such cases.

(3) If, on the expiration of sentence, the person has not recovered, the Lord-Lieutenant shall order his removal to the asylum of his district, where he becomes an ordinary patient (38 & 39 Vic., cap. 67, section 12), and is discharged at the discretion of the committee.

(4) Inmates ordered to be detained at the pleasure of the Lord-Lieutenant may be transferred to their district asylum, if considered suitable, or, if of sound mind, they may be discharged either absolutely or conditionally.

It is only under a recent Act (1 Edwd. VII., cap. 17), that power was given to discharge any criminal lunatic on probation.

Under this Act provision was also first made for the payment of the expenses of criminal lunatics in district asylums out of moneys provided by Parliament.

In pursuance of this Act, not only are the criminals supported, but the expenses of soldiers and sailors sent to district asylums on discharge from the Army and Navy, in pursuance of the Army Act, 1881, section 91, and the Naval Enlistment Act, 1884, section 3, respectively, are also defrayed out of public moneys.

Having regard to the want existing in Ireland of additional lunacy enactments for the protection of the certified insane, it is not to be wondered at that no adequate provision has been made by statute for the care and improvement of the idiot, imbecile, and feeble-minded.

The only enactment which in any way deals with their care is 41 & 42 Vic., cap. 60, entitled "An Act to Make Better Provision for Idiots, Imbeciles, and other Afflicted Persons in Ireland." Under this Act (Section 4) power is given to any Board of Guardians (with the consent of the Local Government Board) to send any idiotic or imbecile pauper to the workhouse of any other

Union, or the Guardians may contract for the reception, maintenance, and support, of any idiotic or imbecile pauper in any public or licensed asylum or establishment for the reception and relief of idiots or imbeciles. But the amount contributed for support must not be more than 5s. weekly. No attempt has been made to provide or set apart any establishment for the imbecile class under this Act.

The only Home which has been provided in Ireland for the care of such cases is the Stewart Institution, supported by public charity, and as it only contains about 100 children, it is utterly inadequate for the wants of the country.

According to the census of 1901, the number of idiots in Ireland amounted to 5,216; but as the census is not taken by medical experts, there is every reason to believe that the distinction between lunatics and idiots is not uniformly or correctly drawn. It cannot be doubted that this number includes all forms of mental degeneration—idiocy, imbecility, dementia, and feeble-mindedness. Only in this way can the excessive proportion of so-called "idiots" and the difference in the figures from census to census be reconciled. At one census one class must have been included, in another excluded, from the definition of idiot. According to the report of the inspectors of lunatics for 1904, there were admitted to district asylums during that year 167 inmates suffering from congenital mental deficiency. Unfortunately, there is no means of separating congenitally defective persons in workhouses and wandering at large, from those suffering from secondary dementia, and, therefore, it is impossible to obtain any reliable return of the number of these cases in Ireland, outside asylums.

The greater number of the congenitally defective class at present are to be found in the various workhouses. As before stated, they are not there under any legal provision for their care, nor is there any power to detain them. They are only there as paupers. Nevertheless, in most workhouses they are accommodated in separate wards, generally called the idiot wards, where they are kept with the epileptic and demented cases.

Whether these cases of congenital mental deficiency are kept in asylums or workhouses, their surroundings are most unsuitable. No attempt has yet been made to segregate them from the other demented cases, or to classify, train, or instruct them. In asylums, though there may be an adequate staff and suitable appliances for keeping them clean, their association with the ordinary insane is most injurious. In most workhouses there is no one to look after them except perhaps a pauper assistant.

Scattered through the reports of the Inspectors of Lunatics will be found descriptions of these imbecile children, such as the following:—

EXTRACTS FROM ANNUAL PARLIAMENTARY REPORTS.

A large proportion of the present inmates are imbecile, or demented through age—sixty-four are epileptic, and there are a number of imbecile children. These children are distributed amongst the other inmates of the wards, and their association with them, as well as the absence of any system of instruction or amusement, cannot tend to the improvement of their mental faculties. In the near future, we must hope, an establishment suitable for the care and training of imbecile pauper children will be provided in Ireland, where, by bringing large numbers of this class together, it will be possible to provide the necessary appliances, and the staff requisite for the training and instruction of imbeciles and idiots. No such establishment, supported by public funds, at present exists in this country, and until such an institution is provided, no other place can be found for the care of such cases more suitable than the lunatic wards of workhouses.

Amongst the lunatics, but under special observation, are the epileptics (sixty-four in number). I gave special attention to their mental condition; and, as far as my opinion goes, none of them could be considered of sound mind, and all were suitable cases for care in this department. I believe there are a few other inmates suffering from epilepsy scattered through the institution, who are considered to be of sound mind; of these I can say nothing, as I did not see them. There can be no doubt that if a Home for epileptics were provided in Ireland, such as the epileptic colonies existing in other countries, where all cases could be treated together under a separate staff, they would enjoy a better life; but until such a place is provided for them, in this district, the epileptics I have seen are best protected from danger in the lunatic wards of the workhouse. (*46th Report, p.* 219.)

Amongst the men is an imbecile boy, who might be improved by training; but I know of no institution in Ireland where he could receive such training. No places can be more unsuitable for such cases than workhouses or lunatic asylums; but, unfortunately, there is no establishment provided in this country for their exclusive care. (*47th Report, p.* 223.)

I saw a small child in a female ward, whose hands had to be tied to prevent him from beating his head. Perhaps if gloves were obtained for him he would no longer be able to hurt himself, and if he were allowed to run about in charge of one of the inmates he might give up his bad habits. (*48th Report, p.* 243.)

Amongst the males are three imbecile children, whose condition calls for improvement. They were untidy, dirty, and untrained, but appear to be cases capable of improvement. Perhaps it might be possible to have them transferred to an institution for imbeciles, by paying a small sum towards their support, under the provisions of the Act 41 & 42 Vic., cap. 60. (*51st Report, p.* 190.)

There is one very intelligent boy living on the male side who, in England or Scotland, would certainly be sent to a training school for weak-minded or epileptic children, and where, no doubt, he would be able to learn a trade, and contribute towards the cost of his maintenance. The condition of many children of this class in Irish workhouses is peculiarly lamentable—growing up, as they do, in association with adult lunatics, and without any attempt to train them in habits of industry and order. (*51st Report, p.* 198.)

The remaining female is an idiotic child, whose habits, no doubt, could be improved, and who could derive benefit from training in one of those idiot schools which exist nowadays in most civilised countries, but which, unfortunately, notwithstanding the hopes held out many years ago, have never been established in Ireland. (*52nd Report, p.* 205.)

Of the men, one is an epileptic idiot, and for this reason he requires special supervision at night, as persons thus afflicted, not infrequently, are suffocated by turning on their faces in an epileptic seizure during the night. The other males are congenital idiots, who, no doubt, might have been trained in habits of personal cleanliness, and probably have been taught some industrial occupation had they been sent to some institution for the training of imbeciles when they were young; but, unfortunately, no such institution, save the Stewart Institution, which only receives special classes, has yet been established in Ireland. (*52nd Report, p.* 209.)

In the wards are to be seen a number of imbeciles. Perhaps it might be possible to arrange with the other Unions of the county to set apart a ward somewhere for their care and training, under the provisions of the Act 41 42 Vic., cap. 60. At present these unfortunate children, so far as any attempt at improving their condition is concerned, are utterly neglected. (*53rd Report, p.* 193.)

Amongst the men are two imbecile boys, one of whom is of troublesome habits. At present, as there is no public institution set apart for the care of such cases, it is impossible to make any suggestion for the improvment of the condition of these children. (*53rd Report, p.* 201.)

S. A. is an imbecile, who suffers from epileptic seizures. She is kept constantly in bed, as the authorities are afraid of the danger of her being injured by fire during a seizure.

Cases of this kind are better treated in a special institution, and it is recognised that confinement to bed tends to the frequency of epileptic seizures, and to the further physical and mental deterioration of such cases.

The fourth case (M. L.) is the girl whom the Guardians some time ago were anxious to transfer to the county asylum at Antrim. She is described as a congenital imbecile, but it would seem rather that her imbecility was consequent on disease of her nervous system in early life, as her mother states that she was a bright child and able to attend school up to seven years of age, when her legs became weak. She is now quite imbecile, her lower limbs are completely paralysed, and the muscles wasted and in a state of spastic rigidity. Her hands, which are also wasted, were enclosed in sewn-up sleeves, as the medical officer states that if her hands were left free she would

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pick the quilt, and put the frayed portions into her mouth. She is described as sleeping badly, and as having frequent screaming fits during the night, thus disturbing the other inmates of the infirmary ward.

There were nits in her hair, and although, in the opinion of the medical officer, she is carefully nursed, I found a small bedsore over her sacrum (the lower part of back). No doubt the tendency to pressure sores over all the prominent parts of the body will be difficult to deal with, and I think, therefore, that a suggestion made by the medical officer that she should be placed on a water bed should be adopted.

She is now so weak that the medical officer states he would not undertake the responsibility of sanctioning her removal to the district asylum, even if the committee were willing to admit her to that institution.

It is to be regretted that a difference of opinion arose regarding her admission to the county asylum. That institution is now overcrowded, and the committee have instructed the medical superintendent to admit none but urgent cases. Acting on that instruction, he declined to admit this patient when she was taken to the asylum in September last without previous notification to the asylum authorities.

The best place for the treatment of such cases is a special institution for imbeciles, such as exists in England and Scotland, but—having regard to her degraded habits, her inability to feed herself, and the necessity for affording her the most careful nursing—there can be no doubt that there are greater facilities for treating such cases in an asylum than in a workhouse.

If any such case should arise in future, I would suggest that, previous to sending the patient to the asylum, the Guardians should lay all the facts before the asylum committee, which body, influenced by humanitarian feelings, would, I feel assured, if at all possible, consent to receive a patient who could be so much better treated in their institution than in a workhouse. (*54th Report, pp.* 192, 193.)

Amongst the men are five imbecile boys—three of whom are brothers. These lads would be much improved by training, and might be taught to work for their own support, and so become useful members of society, but there is no public institution in Ireland to which they could be sent. (*54th Report, p.* 200.)

One man—a degraded imbecile—was dressed in petticoats, and had his hands tied, owing to his mischievous habits. Such a case should be removed to the asylum, where he would receive proper care. He certainly cannot be properly treated here. (*54th Report, p.* 202.)

On the female side there is a little imbecile boy who might improve by training. He was bare-footed when I saw him. I am sure the Guardians, having regard to his mental incapacity to look after his own wants, will direct that he be supplied with some covering for his feet before the cold weather sets in. (*54th Report, p.* 205.)

In dealing with the care and control of the feeble-minded it must be remembered that so rapidly have the numbers of the registered insane increased in Ireland of late years, that it has been found difficult to keep pace with the increase as regards the provision of the necessary accommodation for the fresh admissions.

Owing to the increased numbers seeking admission to asylums, combined with the low discharge and death rates, the accumulation in asylums has gone on. Notwithstanding the efforts made to extend the accommodation, therefore, it is not to be wondered at that the claims of the imbecile class have to a great extent been overlooked.

The figures of the census years from 1871-1901 show the advancing proportion of the insane to the general population in Ireland, England, and Scotland, respectively.

The following Table shows the proportion per 10,000 of the population of the insane in each of the three countries:—

TABLE showing the proportion per 10,000 of the Population enumerated as Insane in Ireland, England and Scotland, at the censuses of 1871, 1881, 1891, and 1901 respectively.

| Census Years. | Ireland. | England. | Scotland. | Census Years. |
|---|---|---|---|---|
| 1871 | 30·49 | 30·39 | 33·97 | 1871 |
| 1881 | 35·58 | 32·53 | 38·54 | 1881 |
| 1891 | 45·04 | 33·58 | 38·41 | 1891 |
| 1901 | 56·18 | 40·78 | 45·37 | 1901 |

The actual number of the insane in the three countries were as follows:—

TABLE showing the number of the Insane in Ireland, England and Scotland respectively, at the censuses of 1871, 1881, 1891, and 1901.

| Census Years. | Ireland. | England. | Scotland. | Census Years. |
|---|---|---|---|---|
| 1871 | 16,505 | 69,019 | 11,413 | 1871 |
| 1881 | 18,413 | 84,503 | 14,397 | 1881 |
| 1891 | 21,188 | 97,383 | 15,462 | 1891 |
| 1901 | 25,050 | 132,654 | 20,291 | 1901 |

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*6th March,* 1906.

22643. (*Mr. Dickinson.*) You are Inspector of Lunatics?—Yes.

22644. Whom are you under?—Under the Chief Secretary.

22645. You have no Board of Lunacy Commissioners?—No, none.

22646. You are the only inspector?—Sir George O'Farrell is my senior.

22647. Therefore you have both?—Yes.

22648. Do you work together?—Yes.

22649. You really constitute a Board?—All our recommendations have to be submitted to the Chief Secretary; it all goes through the Chief Secretary's office.

22650. Do you advise about plans for asylums?—Yes, we recommend to the Lord-Lieutenant, who gives sanction for all plans.

22651. I suppose you have architects and an office?—Yes, an architect to advise us.

22652. Is it the county councils you advise?—The county councils send up their plans to us.

22653. They must get your approval?—They must get the approval of the Lord-Lieutenant.

22654. The same way, I suppose, as in England?—Yes.

22655. With regard to inspection, you inspect the district asylums?—Yes, and the private asylums. Private asylums have to be inspected once every six months—the public asylums once a year.

22656. Is it you who protect the public or the patients from improper detention?—We do. In the case of a private asylum, if we have any doubt as to the sanity of the patient we call in the superintendent of the nearest district asylum, and we pay two visits with him, and then if we believe the patient can properly be discharged we order the discharge.

22657. How soon does the fact of a patient being detained in an asylum come before you?—After the second day and before the end of the seventh in district asylums—within two days in private asylums.

22658. Before the facts come before you, is he certified?—He is certified. The private patient is certified by two physicians. The certificate differs from the English certificate in that they are not bound to give any statement of facts indicating insanity.

22659. And there is no order by the Justice of the Peace?—There is no order for private patients. There is in the public asylums. To the public asylums they are sent in general as dangerous lunatics. Under the Act they become criminals—they are brought up by the police before two magistrates and the magistrates then direct their removal to the asylum.

22660. They are also certified by medical men?—One medical man—the nearest dispensary doctor.

22661. The moment the patient enters the asylum notice has to be sent to you, I suppose?—Notice has to be sent to us.

22662. From all asylums, public and private?—Yes, public and private, within two days for private patients—after the second and within the seventh for rate-paid patients.

22663. You peruse the papers and see the patient if necessary?—Yes.

22664. You have only to deal with certified lunatics?—That is all.

22665. Do you have to deal with idiots and imbeciles at all?—If they are certified we have to. There are 721 in asylums at the present time suffering from various forms of congenital defect.

22666. And who are certified as lunatics?—Yes.

22667. We understood just now that there is only one form of certificate?—There is only one form for lunatics and imbeciles.

22668. Do you agree with the last witness that there ought to be different asylums for these idiots and imbeciles?—Certainly.

22669. Would you place them in different institutions; would you have any different kind of certificate?—Yes, certainly.

22670. Would you mind telling us what kind of certificate?—I think the certificate under the Idiots Act—the English Act.

22671. A similar certificate to that which we have?—It would be an improvement for us to have that. It might go further for the feeble-minded.

22672. What would be your idea supposing that colonies were established for detaining the feeble-minded? In the first place, would you think it would be advisable for those colonies to be under your supervision, in the same way as the lunatic asylums are?—I think so.

22673. You, in Ireland, could manage them?—We should require assistance if they were very largely extended.

22674. We have had evidence to show that the Lunacy Commissioners in England would not view with favour the feeble-minded being placed under their cognisance; but you would?—You must remember that in Ireland we have to advance a great deal; we would have to begin in a very small way in dealing with them. They have not been dealt with up to the present, at all; therefore we would have to begin with very small colonies—colonies, say, for about 2,000. Up to that, certainly, we could inspect them.

22675. You would rather they were inspected by your organisation than by a separate Government Department?—I think so; as long as they were imbeciles they should be inspected by us. When it came to the feeble-minded, then, of course, the question would arise whether they would require inspection by us.

22676. How would you distinguish between what you call "imbeciles" and feeble-minded?—Feeble-minded, I should say, are children who could be educated to a very large degree.

22677. Would you contemplate a different kind of certificate for them than the one that you suggest for the idiots?—Yes.

22678. Have you at all thought what kind of certificate?—Yes, I think a single certificate, simply to say that the child was of feeble mind and required education and care.

22679. It would be a sufficient distinction to say that the child was feeble-minded—those words would be sufficiently clear?—I think so.

22680. It has acquired a sufficiently definite meaning to put on a certificate under which a person would be detained?—I think so.

22681. I see you state that the Lord-Lieutenant has power to compel county councils to fulfil their duty as regards the provision and maintenance of sufficient accommodation for the lunatic poor; what power has the Lord-Lieutenant in that respect?—He has power to withhold the Government grant.

22682. Has that power ever been exercised?—Not up till now.

22683. I understood from the other witness that the accommodation for lunatics is quite inadequate?—Quite inadequate; but you must remember that the increase of the number of lunatics requiring care has been so rapid that it is very hard to keep pace with it.

22864. Are the county councils increasing their accommodation?—In some places they are increasing it; in others not.

22685. In those in which they are not increasing it, what are you doing?—We are recommending the Lord Lieutenant to bring pressure to bear.

22686. You are already doing that?—We are already doing that.

22687. What is an auxiliary asylum?—An auxiliary asylum is constituted under the Local Government Board Act. A county council have power to take any workhouse or any other building and add it on to a district asylum; that is, it comes under the same governing power for the purpose.

22688. For the purpose of what?—Receiving lunatics who are certified not to be dangerous.

22689. Then it must be lunatics who are certified?—Lunatics who are certified.

22690. Could you extend this power to provide for the feeble-minded, under the law as it at present stands?—Not unless they were certified.

22691. But I understand most of the lunatics who are at the present moment in workhouses—persons of unsound mind at present in workhouses by reason of the fact that there is no sufficient accommodation in the asylums—could be certified for these auxiliary asylums?—Yes.

22692. Has the Lord-Lieutenant power to compel the provision of these auxiliary asylums?—Yes, indirectly, by insisting that sufficient accommodation for the insane must be afforded.

22693. I see that only one county council has taken up this.—Yes.

22694. That is at Youghal?—At Youghal, near Cork.

22695. Is that asylum one for this class of patient?—This class of patient.

22696. Have they done that on their own motion?—They have done that on their own motion.

22697. Because they had not room in their own asylum?—Yes. Not only because they had not room in their own asylum, but because the workhouses were full.

22698. No other county council has done it?—No other county council has done it; they are waiting for the report of what is called the Viceregal Commission, who are going round settling the number of workhouses that can be done away with. When that is done, then, of course, the matter will be taken up.

22699. I suppose the cost of these auxiliary asylums will fall on the rates?—Yes, they will only get the Government support of 2s. a week.

22700. For what reason does the Government only give 2s. a week for lunatics in the auxiliary asylums whereas they give 4s. a week for lunatics in the ordinary asylums; because they are the same persons?—It was evidently thought the care would be cheaper.

22701. Is it cheaper?—It is cheaper.

22702. In Youghal?—In Youghal it is cheaper; not as cheap as it was thought it would be, but it is cheaper. As far as we find, it has been about £4 a year cheaper than in the parent asylum.

22703. That is about 1s. 6d. a week?—Yes.

22704. The result is the Government saves the 2s. and the ratepayers save nothing?—Yes.

22705. That is not much inducement to the county council to make these auxiliary asylums?—No inducement at all; it was a most unfortunate thing.

22706. How does that come about; is it a decision of the Lord-Lieutenant?—The Act laid it down.

22707. The Act which authorised the establishment of the auxiliary asylums?—Yes.

22708. That, you think, is most unfortunate?—Most unfortunate.

22709. I see you say where you are speaking about workhouses, that the asylum committee has power to enter into contracts with workhouses for the maintenance of lunatics?—Yes, you have the same provision in England.

22710. Under this provision there are only 119 patients?—That is so.

22711. Why is that?—We did not find that it worked satisfactorily; there is nobody who becomes responsible for the insane who are sent to these workhouses;

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the Guardians merely receive them as boarders and take as little care of them as possible and the asylum committees, when once they have got rid of them, think they are rid of their care altogether.

22712. You really put a stop to that?—Yes

22713. Because it was unsatisfactory?—On account of the unsatisfactory work.

22714. Have you ever tried boarding out lunatics in Ireland?—We have no power to do it; there is no legal provision for it. We have always said that in any new law it should be introduced, but it has not been. At the same time we have always thought that there would be great difficulties in working it in Ireland on account of the poverty of the inhabitants.

22715. Have the Guardians of the Poor no power of boarding out?—They have power to board out the children.

22716. They have no power to board out feeble-minded adults?—No, they have the power of giving outdoor relief.

22717. I suppose they do give outdoor relief in many cases where a feeble-minded or imbecile person is in its own home?—I think they have to give outdoor relief for a whole family.

22718. (*Mr. Byrne.*) In your memorandum you recite the 76th section of the Local Government Act, 1898, which gives power to county councils to take either a workhouse or other suitable building to provide an auxiliary asylum. The Youghal Asylum was provided under that, was it not?—Yes.

22719. That would enable a suitable institution—and a cheap one as we learnt last week—to be provided for any class of the mentally defective, so long as they were certifiable?—Yes.

22720. It would allow of a colony for working people?—Yes.

22721. Practically among imbeciles who may be discovered to require treatment in Ireland there are a considerable number who might be certified, and it would be available for their use?—It would.

22722. With regard to the imbeciles who are kept in workhouses at the present moment, do they as a matter of fact really discharge themselves from time to time?—Freely.

22723. Do grave evils arise from that?—Grave evils.

22724. How does it come about that they discharge themselves? Is it that the young girls and young men as soon as they become useful and able to work discharge themselves at their parents' instigation?—As soon as warm weather comes on and labour is plentiful they discharge themselves at once.

22725. Do you think it is expedient that that should go on uncontrolled?—It is most inexpedient.

22726. You would like the law to be arranged in some way to enable them to be kept, if they were unfit to be at large?—Certainly.

22727. Do you think that that might be done by medical certificate in the workhouse offices, or would it require the intervention of a magistrate; the detention, I mean? Could there be a sort of order made for their being kept?—Perhaps it would satisfy public opinion better if there were an order.

22728. At any rate it could be quite easily carried out?—Quite easily; there would be no difficulty about it.

22729. Does that apply in any degree to the class of women who get into the maternity wards and other parts of the workhouses?—Yes.

22730. Is the evil as great?—Quite as great, if not greater.

22731. Even if the feeble-mindedness is less?—Even if the feeble-mindedness is less.

22732. Are there many women who are not regarded and treated as imbeciles in the workhouses but who really are in some degree defective in brain?—A large number.

22733. Especially amongst those who come to grief?—Especially amongst those who come to grief.

22734. Is there any restraint exercised over a woman who may come in three or four times with illegitimate children?—None at all; there is no power.

22735. That should be stopped?—That should be stopped, certainly.

22736. Is the same true about those who go out; are there people who go out and fall into crime?—There certainly are.

22737. And they ought to be kept, both men and women?—Men and women, certainly.

22738. I do not know whether you have had any experience of the Inebriates Act?—No; no special experience.

22739. But in these workhouses I have no doubt you have often seen numbers of people who are habitual drunkards?—Certainly.

22740. Some of them, I suppose, are occasionally insane?—Some of them are occasionally insane—very often insane.

22741. Directly they recover they are sent out?—They recover quite quickly.

22742. Do many of them do that quite regularly?—Yes.

22743. I presume it is not a criminal offence in Ireland to make yourself or your family repeatedly chargeable to the rates by your habitual drunkenness?—Not at all.

22744. Would you like it to be?—Certainly.

22745. Would you add such an offence to the Schedule of the Inebriates Act so as to enable people who do so to be treated as inebriates?—Certainly.

22746. We understood from one of your colleagues last week that the Inebriates Act is regarded as a success in Ireland?—There is no doubt it is, so far as it has gone.

22747. Starting on that supposition, have you considered that a person who has gone through the reformatory treatment, but who, from weak-mindedness or other causes, shows it has done no good by immediately falling into drinking habits again, should be promptly either re-admitted into the institution for further treatment, or put into some other suitable place for detention?—He should be put into some suitable place for detention and kept there.

22748. Without going through the whole process again?—Yes.

22749. On his first failure he might be punished?—Yes.

22750. (*Dr. Dunlop.*) You heard the last witness talking about special asylums for prison defectives. How are these places to be maintained; by the State or the local authority?—By the State.

22751. Do you not think that arrangement would be open to some abuse? Why should these cases be put upon the State and the other defectives on the local authorities? Would it not be rather a premium on letting defectives go loose?—I do not see it.

22752. Why should one class of defective be a charge on the State and the other on the local authority?—Simply because they have come under the inspection of the law.

22753. Do you think it would be open to abuse?—Not if it was properly regulated.

22754. Would it not be rather a premium on allowing defectives to be uncared for, and letting them go to prison?—We have had that already in Ireland, in the reformatory school cases, so it would extend that difficulty.

22755. It would be a difficulty?—It would be a difficulty.

22756. Have you any suggestion how that difficulty could be overcome? Would it be a practical measure to have these places conducted by the State and paid for locally?—It certainly would be a way out of it. The local authorities might pay a small amount per week for them.

22757. Or pay a large sum?—Or pay a large sum.

22758. Pay more than it would cost to keep them at home?—They could not do that.

22759. (*Mr. Greene.*) Sir Christopher Nixon has referred to a Royal Commission which sat in Ireland in 1889 upon the subject of providing for imbeciles; do you know the date and the name?—The only Commission that I can suggest is the Commission of Sir Arthur Mitchell.

22760. Can you give me the date or the name or the number of it? (*Report handed in.*) This is 1891; this is lunacy administration?—Yes; that is the only one I know of. It was in 1889 that it sat; it reported in 1891.

22761. There were two reports?—Yes; first and second.

22762. It is a Committee appointed by the Lord-Lieutenant of Ireland on lunacy administration; the reference is C. 6434?—Yes.

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CONOLLY NORMAN, Esq., F.R.C.P.I., called; and Examined.

22763. (*Chairman.*) Would you be so kind as to tell us how long you have been Medical Superintendent?—I was Medical Superintendent of the asylum that I at present direct in Dublin for twenty years.

22764. You have been so kind as to give us a statement of your evidence; may we put that on our notes?—Yes.

*Conolly Norman, Esq., F.R.C.P.I.*

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STATEMENT OF EVIDENCE PROPOSED TO BE GIVEN BY CONOLLY NORMAN, ESQ., F.R.C.P.I., RESIDENT MEDICAL SUPERINTENDENT, RICHMOND DISTRICT LUNATIC ASYLUM, DUBLIN.

There is at present virtually no provision for idiots, imbeciles, and persons of defective intellect, in Ireland. The Stewart Institution for imbeciles, is the only asylum specially set apart for this class in the country. It is admirably managed, but it is too small to be of any great practical value in face of the number of persons to be considered. It is also entirely a charitable institution unsupported by any public grant. Admission is procured through subscribers' votes. The majority of those who might be benefited are thus ineligible. Further details as to the working of that institution and the laws under which it is constituted and guided will no doubt have been supplied by my friend and colleague, Dr. Rainsford.

I understand the scope of the present Commission's inquiries is rather the treatment of persons who cannot—than of those who can—be certified, but in Ireland, before the smaller if more complex question is considered, it will be necessary to deal with the larger. The existence of borderland cases has hardly yet been recognised in our island, whereas a good deal of attention has been given to the question of provision for idiots.

In Ireland idiots and imbeciles who would be generally recognised as such, and who are capable of being certified, are to be found:—

(*a*) At large, under no particular care or supervision.

(*b*) In workhouses, whither they have drifted as paupers.

[It is to be noted that there is no statute whatever under which any class of the insane can be detained in workhouses in Ireland, either temporarily or permanently, as persons of unsound mind.]

(*c*) In district asylums, where they have been admitted under the provisions of the Act 30 and 31 Vic. c. 118, Sec. 10, or under the provisions of the Act 38 and 39 Vic. c. 67, Sec. 4 (as modified by the Local Government Act, 1898).

With regard to the first class (*a*), their neglect is discreditable to humanity and likely to be injurious to public morals. It should be said that this class is undoubtedly diminishing. When I was a boy, forty years ago and more, every village and country district contained one or more idiots or imbeciles of the most varied grades, commonly known as "fools" or "naturals."

These poor people have mostly now disappeared from public view, having got into workhouses or asylums.

In the workhouses there is no classification among these people, no attempt at education, and little or no effort to improve defective habits. All these things are impossible owing to the conditions of existence. There is no staff for teaching, and a very small and insufficient staff, if any, for ordinary supervision. Old and young, low class idiots, high grade imbeciles, chronic dements, and cases of senile decay, are placed together promiscuously. The results are undoubtedly not satisfactory. The period of life when education might be possible passes away; bad habits are confirmed and become ineradicable.

The condition of affairs in district asylums is better as regards general discipline, but hardly better as regards education. In large institutions receiving all classes of the insane, it is impossible to give to the education of idiots and imbeciles that minute attention, that skilled care, that laborious patience, which is required. Nevertheless we do something. Enough is done to show, even in our own experience alone, how much could be done under proper conditions. I recall at the moment four striking cases at present under care in my asylum: (1.) A boy, aged fifteen, illegitimate, utterly neglected and uneducated, sufferer from birth-palsy, commonly tractable, but liable to violent fits of senseless passion. He has been taught to be tidy, he has been taught to read and write, he is able to make himself useful in the weaving shop although the movements of one arm are very limited. (2.) A lad with hydrocephalic head and choreiform movements; though clean, had apparently little other intelligence. An old patient who had been a schoolmaster took a fancy to this boy and undertook to teach him. He made him commit to memory an immense amount of miscellaneous information, and even taught him to read, though imperfectly. (3.) An epileptic idiot aged about ten years on admission, at times tranquil, at times very intractable after the manner of epileptics: absolutely ignorant. Taught to read, taught to sew: usefully employed in tailor's shop. (4.) A young man suffering from right infantile cerebral hemiplegia with certainly complete word-deafness and probably deafness to all sounds. Certain indications showed that the case was not merely one of idiocy by deprivation, as might indeed have been inferred from the obvious and extensive defect in the cerebral mantle. Nevertheless this man has been taught a tolerably extensive system of signs and has learned to be useful in the weaving shop, reeling thread with his only available hand. I do not speak particularly of such cases as that of a microcephalic and epileptic idiot, absolutely incapable of being taught the meaning or relation of numbers, who yet has been taught to work a sewing machine in the tailor's shop, for I suppose such cases are common enough in other asylums.

The greatest difficulty in doing anything for this class in Ireland is the common difficulty of focussing public attention on anything so little controversial as the care of the insane. The want is felt, and it may be even said there has been machinery lying rusting for years which might have supplied it, but which has never been used.

The Act 41 and 42 Vic. c. 60, entitled the Poor Afflicted Persons Relief (Ireland) Act, 1878, gives to the Guardians of any Union the power, with the consent of the Local Government Board for Ireland, to "contract for the reception, maintenance, and support of any idiotic or imbecile pauper in any public or licensed asylum or establishment for the reception and relief of idiots or imbeciles and pay out of the rates the cost of the maintenance, clothing, and lodging of such pauper in such workhouse, asylum, or establishment, as well as the cost of his conveyance thereto or his removal therefrom and the expenses of his burial when necessary. Provided always that the amount to be paid by the Guardians of such Union for the maintenance of every such idiotic or imbecile pauper shall not exceed the sum of 5s weekly."

The Acts 8 and 9 Vic. c. 107, Sec. 15, provides that the Lord-Lieutenant in Council may direct that a provincial asylum for the lunatic poor may be erected, established, and maintained for any or each of the provinces of Ireland, to be appropriated to any particular class or classes of lunatic poor as aforesaid; and the Lord-Lieutenant is authorised to direct the removal of patients for the purpose aforesaid.

These provisions taken together seem to provide means for the foundation of from one to four establishments for idiots, if there were any method by which these enactments could be set in motion.

As it is provided that the special asylums mentioned in the last-quoted Act are to be maintained in the same manner as the district asylums, it may be fairly assumed that they would receive the 4s. weekly rate in aid. This together with the 5s. contributed by the Guardians might perhaps prove sufficient to run the establishment. The cost to the Unions would not, I think, be greater than what these patients, when they are in workhouses, cost already.

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In an asylum for idiots and imbeciles the adults must, of course, be separated from the young. The latter should be the first care. No effort should be spared to kindle any spark of intelligence that may exist. A few cases of higher grade imbeciles may be made self-supporting. Many cases can no doubt be taught to materially assist in their own support, either inside or outside the institution; many more can be taught to occupy their time in more or less active and useful employments. The great majority can at least be improved in habits of cleanliness and self-care, by assiduous and patient attention. We must, of course, recognise that there are a few entirely intractable cases for whom there is no amelioration, but I think this class is small.

When through the advancing age of the patient or for other reasons active educational effort comes to an end, the question of further provision arises. The unhappy class who are incapable of any substantial improvement and who remain at the bottom of the scale must, I think, always be retained in the institution. These people require more nursing and care than they can ever reasonably be expected to get in a private household either with relations or with strangers.

For those who have been taught to earn or assist in earning their own living, for the "harmless" and tranquil, for those who have acquired habits of decency and order, an organised system of family care should be adopted of course under careful central supervision. This would probably require legislation in Ireland, but the sooner such legislation is adopted the better, as some system of family care for the insane is in all probability inevitable. Family care has been a remarkable success in Germany, France, and many other countries. There is no substantial reason why it should not succeed in Ireland, save perhaps the generally wretched housing of the peasantry. But any such system would need the provision of a sufficient and powerful central control.

It is to be supposed that the idiot asylum itself would be constructed on modern lines, after the general model of Alt Scherbitz and other foreign asylums, and Bangour near Edinburgh, and Purdysburn near Belfast. To divide as much as possible the various classes, according to age, teachability, etc., would have many other advantages, besides minimising the "institution" aspect of the establishment, and thereby helping to facilitate the transfer of suitable patients to family care.

CONOLLY NORMAN.

22765. (*Dr. Dunlop.*) I gather from your statement that your opinion is that the congenital defective—idiots and imbeciles—are very badly treated as a class in Ireland at the present moment?—Perhaps it would be a fairer way of putting it to say that I do not think they are treated all.

22766. They are practically untreated?—They are practically untreated.

22767. The Stewart Institution is a very small thing?—It is a very small thing. I see by Dr. Rainsford's evidence it contains about 100 patients.

22768. The great majority are either untreated or put into institutions not adapted for their wants?—Quite so.

22769. You advise that the establishment of training institutions should be made compulsory?—Certainly.

22770. Am I correct in stating that you think the older cases should be kept in these institutions after they are trained? Would you put on an age limit?—I think there is a considerable number of idiots and imbeciles who will have to be retained in the institution always. There is a proportion that perhaps might be sent out to earn their bread, or assist in doing so, and a considerable number in my opinion could be treated in family care, as is done largely on the Continent and in Scotland under the name of boarding-out, but with regard to the patients who are retained under family care I think it is quite essential that they should still remain under Government supervision.

22771. Some would be fit to be discharged; it would be a small number, would it not?—A small number would be fit to be discharged. I am not quite sure that any person who has been under treatment for some time in an idiot institution ought ever to be left absolutely without supervision from the centre, but a small proportion would be, I think, made capable of earning their living.

22772. Boarding-out is a desirable means to use, but that still leaves a large residue of uncured cases—if one may use the term—cases requiring institution care?—Quite so.

22773. Is it your opinion that these should be retained in an idiot asylum or moved on to an ordinary lunatic asylum?—I think they ought to be detained in an idiot asylum, use that name as you say; in a special institution.

22774. What good could they get in an idiot asylum that they would not get in an ordinary county asylum?—I do not think they would get any good in the special institution which they would not get in the ordinary asylum, but I say it is desirable that the classes of unsound mind should be distinguished for the sake of the treating of the more acute cases; the adult persons, the lunatics in the strict sense of the word, should go to the county asylums.

22775. Is there any objection to placing them along with the chronic insane; the dements?—I do not know that there is.

22776. Would it not be an advantage to bring them into line with the other defectives rather than to make a division of defectives?—Perhaps so.

22777. Would not an age limit be desirable?—An age limit could accomplish that, of course.

22778. An age limit for detention in idiot asylums would be an advantage; it would keep the institution within a reasonable size, and enable all the inmates to be under training, and not some under training and some custodial; is not that so?—Yes; it cuts both ways. If you have your idiot asylums small and of manageable size, you will then have your lunatic asylum large and of unmanageable size, it seems to me, if I follow you rightly.

22779. Quite; or else further classification—put the chronic acquired defective and the chronic congenital defective together in one class, when once they become adult?—Yes, that might be done.

22780. You have no very decided opinion on it?—I have no very decided opinion on it, for this reason: the question hardly arises in this country, we are so far behind that the ultimate refinements are scarcely to be considered.

22781. So if this suggestion were adopted, if the imbecile asylums were started, the question would arise in the course of a few years?—In the course of a few years, no doubt.

22782. You have not any very decided opinion to give upon that point?—No.

22783. Am I right in saying that in the asylum of which you are superintendent you work your inmates a great deal? Can you tell me anything about the profits of it Can? mental defectives ever be made to work at a profit, or support themselves?—You mean the special class as distinguished from the inmates of asylums generally.

22784. I would not distinguish them myself from the chronic insane?—I am satisfied that a number of the chronic insane in my asylum work with considerable profit—individuals; but I have never put forward the advantage to be obtained from workshops in asylums, to which I am very much wedded, as being one of mere profit. I think on the whole the profit is probably small, but the advantage is immense.

22785. The wholesomeness of the work is immense?—The wholesomeness of the work is immense.

22786. But the chance of getting profit?—The chance of getting profit all round is small, but undoubtedly in individual cases you may. I have carpenters, masons, and other men of that kind, who work in a manner that I am quite sure would be very profitable if they were at large and receiving wages.

22787. I ask this question because we have had a large amount of evidence that if mental defectives were put into labour colonies, they would be self-supporting. Do you think such a thing on the face of it is in any way possible or likely?—"Self supporting," is too large a word.

22788. Far too large a word, is it not?—I think so.

22789. They would not pay for their supervision out of the profit?—They would not pay for their supervision and upkeep; I do not know whether you distinguish. If you mean "would they pay for the whole cost" they certainly would not; I am sure of that.

22790. And they would pay a very small proportion of the cost?—They would help to keep down expenses.

22791. Not more than that?—I cannot say much more than that. I would like to add that I entertain the very strongest belief as to the wholesomeness, both physically and mentally, of all kinds of work in asylums, and I am glad to have been able to employ very large proportions of my patients.

22792. But in whatever manner these are dealt with, do you think the charge of maintenance will ever be materially reduced; I see in Ireland it is about 9s. 6d. a week?—About that.

22793. Is there any chance of reducing that to any material extent?—I am sure in my asylum it would be higher if we did not do so much work.

22794. But you will not bring it down below the 9s. 6d.?—I do not think so.

22795. (*Mr. Byrne.*) With regard to that statement that you never hope to bring it down below 9s. 6d: you have two asylums?—Yes.

22796. What is the difference between them; is Portrane for the old and feeble?—No; Portrane was constructed as a modern asylum for all classes of patients. As a matter of fact, the admissions only take place to the parent asylum in the City of Dublin for reasons of convenience, and the majority of the cases at Portrane are more or less chronic.

22797. I see at Richmond Asylum you employ a very large number; 75 or 80 per cent. men and women?—Yes.

22798. Surely that has made some difference in the cost of maintenance?—It has reduced the cost of maintenance.

22799. By a few pence or by a few shillings?—By a few pence, I should think; I am afraid I cannot say more than that.

22800. One way in which work in an asylum is useful is that it keeps the people happy and tranquil and makes them less destructive?—Yes.

22801. And they require fewer attendants?—Yes; indirectly I have no doubt it contributes to keep down the cost.

22802. If it does all those things, surely one would expect it to make a better contribution towards maintenance than a few pence, considering that good management can make a difference of shillings—putting the people to work and designing your work so that they can make their own clothing, &c., yet you can only save twopence or threepence per head; is that all you can tell us; it is not encouraging, is it?—A great number of causes have contributed to render an exact calculation difficult. The expenses in my asylum have come down from something like £30 per head per annum to about £24 per annum in the last few years. No doubt our work has contributed to that.

22803. But only very slightly?—I am not anxious to exaggerate the fiscal importance of our workshops.

22804. Is your proportion of nursing staff unusually small in Ireland; one to fourteen?—It is lower than England.

22805. Distinctly lower. Is it lower than usual in Ireland?—I think we are about the same as Ireland generally.

22806. And yet it works perfectly well. I see no accidents; no undue number of suicides or troubles of that sort?—No; providentially we have been fortunate.

22807. Are there evils conspicuous in Ireland arising from the absence of the early education and training of the mentally defective?—I think so, decidedly.

22808. The mental defect is emphasised by want of training; is made worse as they grow up?—Undoubtedly they are made worse by absolute neglect. It must necessarily follow that, in the course of time, when defective children grow up and become men and women, and become exposed to the temptations of life and are engaged in the struggle for existence, they become worse from having been entirely untrained, entirely neglected.

22809. We have had some evidence about the desirability of taking epileptics in hand in order to prevent their rapid degeneration; does your experience make you recommend that?—Yes.

22810. You have about 10 per cent., apparently, in your institution?—About that number.

22811. Are there many of them who would have been improved, or perhaps would have had the more serious manifestation of the disease warded off entirely, if they had been taken care of in their youth?—I think many of them might have been improved; but I have little or no experience of a class that I hear a good deal about, which is the sane epileptic who requires care, because the epileptics who come to me are invariably either idiots or lunatics: I have no sane epileptics. I have no doubt that some of the epileptics who come to me might have had their admission to the asylum postponed, and possibly it might have been avoided altogether, if they had been taken in hand earlier—not been neglected. More than that I cannot say.

22812. Could you give any idea as to the proportion to whom early training would have been a benefit, among the sort that you have seen?—I am afraid not.

22813. (*Mr. Greene.*) What precautions are taken before liberating a person who is either a lunatic or an idiot, who is in your asylum?—I presume you mean a person who is not certified as recovered?

22814. Is there a certification process to establish recovery?—Certainly.

22815. Is that done by one or two doctors?—One.

22816. So that there are two required to admit and one to release?—Yes.

22817. Is it found that that is satisfactory?—I think so.

22818. I will tell you why I am asking; it is because one of His Majesty's judges has just been travelling round the Oxford circuit and he called the attention of the Grand Jury a few days ago to the fact that in a great number of the towns he has visited he has found people charged with crimes of very serious violence, and on inquiry they have turned out to be people who have been liberated from asylums. In the course of his address to the Grand Jury at Stafford he pointed out the necessity of having greater care taken of people who have been incarcerated and under care as lunatics; that they should not be released so as to cause violence to the rest of His Majesty's subjects?—Yes. The subject is an extremely difficult one. We unfortunate men who are engaged in asylum work are generally accused of keeping in people who ought to be at large, but if anything goes wrong with people who have been discharged then we are accused of having discharged people who ought to have been kept in. We are rather on the horns of a dilemma. There, is however, a special provision of the Irish law by which patients can be discharged without a certificate of recovery.

22819. Is that confined to Irish law?—Confined to Ireland; the Act is the Act of 30 and 31 Victoria, cap. 118.

22820. That is the Irish Lunacy Act?—The short title is the "Dangerous Lunatics Act." It is an Act under which patients are committed by magistrates to asylums as dangerous lunatics or idiots. There has been some evidence given, I think, to-day, with reference to the fact that patients are committed to Irish asylums as lunatics and not as idiots; but that is not quite correct, because that Act states that a person can be committed as a dangerous lunatic or as a dangerous idiot. Under a special provision of that Act a patient may be discharged on his relatives or friends entering into recognisances for his good behaviour and safe keeping. I need not say that recognisances under the circumstances are absolutely valueless as any sort of guarantee that the lunatic or idiot will behave himself.

22821. Would you suggest, so far as Ireland is concerned, an amendment of the Dangerous Lunatics Act to this extent that there should always be required a pronouncement by some medical authority or authorities that the patient had recovered? As you say, the recognisances are absolutely useless, because you could not sue upon them with any effect?—They are not to the purpose at all.

22822. Detention is what is really required?—I think that a patient ought not to be discharged who has not recovered, unless the medical authority of the asylum is prepared to say that the person is not dangerous to society. It is too large an order to say that every person of unsound mind is to be confined permanently.

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22823. It would not be a large order if you had a recurring visit or a recurring inspection by a medical man; it would only be a pronouncement for six months or twelve months at a time ?—That would be a very good provision.

22824. With recurring inspection it would be safe enough ?—Yes.

22825. Do you think the Dangerous Lunatics Act, Ireland, might be amended in the way that is now being suggested, so as to prevent dangerous idiots being released at the desire of their friends ?—I think so.

22826. Can you throw any light upon a reference which was made by Sir Christopher Nixon in his evidence to a Royal Commission which in 1899 reported with absolute unanimity that liberal grants should be made for maintenance to two institutions for imbecile children in Ireland—one for Catholics and the other for Protestants ? Do you know anything of that Commission ?—I think that was presided over by Sir Arthur Mitchell of the Scotch Lunacy Commission, as he then was.

22827. It was a Committee appointed by the Lord-Lieutenant, not a Commission; Dr. Courtenay was telling us about that ?—I am afraid I cannot add anything to what he said.

22828. (*Dr. Donkin.*) Are you aware whether in Ireland there are many cases of imbeciles or feeble-minded persons convicted and sent to prison for short sentences, being found to be feeble-minded in prison, and then coming back to prison on fresh sentences ? Is it a difficulty and is it an evil which is much recognised in Ireland ?—I do not know much about the question of persons being sent to prison, but I have known a considerable number of people arrested under circumstances such as you describe and sent from prison to my asylum.

22829. I thought possibly in that way you might have heard of some being certified in prison and sent to you; you take them in ?—Yes. I must take in a person sent to me from prison, because she or he is sent on a warrant from the Lord-Lieutenant; it is mandatory.

22830. Would most of those cases be cases of acquired insanity, not congenital imbecility ?—I think most of them are cases of acquired insanity; some of them are cases of congenital imbecility; some are cases of recurring drink tendency.

22831. You are not aware that it has ever become a burning question, or a very important question, in Ireland, as to what to do with the class of imbeciles who are constantly fluctuating between the workhouse, the prison, and the street ?—No; I have no knowledge of that.

22832. You say there is so little accommodation for the obviously insane that those refinements have not been gone into ?—Yes; I am afraid those refinements have not been discovered in our country.

22833. (*Chairman.*) Is there anything you would like to add ?—I notice in the evidence of a considerable number of witnesses whose evidence I have had the privilege of glancing over, that a good deal of question is made with regard to the accommodation for treatment of drunkards. Unfortunately, although I have no experience of inebriates' Homes, and so forth, I have a very large experience of constant recurrence of the admission of drunkards to the asylum that I direct.

22834. Insane or feeble-minded ?—I think a large number of them are persons of a peculiar class, probably more or less feeble-minded from birth, but persons who are incapable of restraining the tendency to drink, and who are discharged and return over and over again.

22835. They are drunkards because they are feeble-minded ?—I think so.

22836. Can you give any numbers as regards such persons ?—I had occasion to make up a brief return for my committee a little while ago, which I will put in if you will allow me, and that shows that during the last few years a proportion of about 33 per cent. of my male patients admitted were persons in whom drink had been the most important element in the immediate production of insanity. Some of those were persons who had been admitted over and over again. The proportion of women is smaller, about 15 or 16 per cent.

*The Return was handed in and is as follows :—*

RETURN SHOWING THE ADMISSIONS AND RE-ADMISSIONS OF PATENTS AT RICHMOND DISTRICT ASYLUM IN WHOSE CASES ALCOHOLISM WAS THE CHIEF CAUSE OF INSANITY, AND THE PERCENTAGE OF THOSE CASES ON THE TOTAL ADMISSIONS FROM ALL CAUSES.

| Year. | Total Admissions due to Alcohol. | | | First Admissions. | | | Re-Admissions. | | | Total Admissions from all Causes. | | | Per cent. of Alcoholic cases on Total Admissions. | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | M. | F. | Total | M. | F. | Total | M. | F. | Total | M. | F. | Total | M. | F. | Total |
| 1901 - | 96 | 41 | 137 | 76 | 32 | 108 | 20 | 9 | 29 | 259 | 260 | 519 | 37·1 | 15·8 | 26·4 |
| 1902 - | 131 | 58 | 189 | 94 | 51 | 145 | 37 | 7 | 44 | 368 | 294 | 662 | 35·6 | 19·7 | 28·5 |
| 1903 - | 92 | 51 | 143 | 73 | 38 | 111 | 19 | 13 | 32 | 350 | 308 | 658 | 26·3 | 16·6 | 21·8 |
| 1904 - | 89 | 37 | 126 | 58 | 29 | 87 | 31 | 8 | 39 | 288 | 259 | 547 | 30·9 | 14·3 | 23· |

22837. In this case you say drink has caused the feeble-mindedness ?—Drink has caused the outbreak of insanity that produced the admission of the patient at the asylum; but numbers of these patients recover apparently from the attack for which they were admitted and I have to discharge them with the perfect knowledge that they will return again perhaps in a week, perhaps in six weeks, perhaps in three months. They are persons who ought to be dealt with, I think, in some other way than by sending them to an asylum where they can only be kept for a month or six weeks.

22838. You suggest that they ought to be detained permanently ?—I suggest that they ought to be detained for a lengthy period in an institution where, under terms of enforced abstinence and treatment, they might improve their condition. It is useless treating them in asylums; it is waste of money and does harm.

22839. (*Mr. Hobhouse.*) You say they ought to be detained somewhere. For what length of time do you suggest ?—To some degree that would depend on the history of the case, but I should not say that less than a year would be of any use; I should say from one year to three years.

22840. Why do you fix a limit of three years ?—For ever, if the person is apparently intractable.

22841. There is no special scientific reason, or medical reason, for fixing three years ?—No, it is merely a question of degree. I think in many cases a year's enforced abstinence and a year's careful discipline would have the desired effect; in other cases nothing.

22842. What is the longest period of enforced abstinence that you know of in the case of a drunkard ?—I think the Inebriates Act provides three years.

22843. But have you ever known a case yourself?—No, I have never known a case.

22844. Have you any actual experience of a person compulsorily detained, compulsorily abstaining from drink for three years?—No.

22845. Therefore any period of time you suggest is merely conjectural?—Merely a conjectural one.

22846. (*Mr. Byrne.*) This is the last Report of the Irish Lunacy Commissioners. There is an interesting Table showing the receipts and expenditure in connection with the farms attached to the district and auxiliary asylums. Can you tell me on what principle these figures are put down; for instance, I see in your own asylum you put down "milk sold £2,633;" I suppose that is milk supplied to the asylum?—That is milk which is produced at our dairy farm at Portrane and sold. Of course it is merely transferring it from one book to another. It is sold to the institution for the supply of the patients; to the parent institution and the institution at Portrane.

22847. What price is it put down at?—I do not recollect at the present moment. I think 7½d. per gallon; whatever happened to be the lowest price at which milk was bought by contract. It was done on a business principle. We now supply all our own milk; for a long time we did not, until we got our new farm; then for some time we only supplied a portion. The price that we charge ourselves for milk is the price which we last happened to pay by contract which was, I think, 7½d. per gallon.

*Conolly Norman, Esq., F.R.C.P.I.*

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22848. You think all the other figures are fair *bona fide* prices practically representing the lowest contract prices—contracts on a large scale?—Yes.

22849. Because we have been struck by the large amount of apparent utility of the farms to the asylums?—Our farm at Portrane contains nearly 500 acres and some of it is very good. I hope and believe that we make a perfectly honest and large profit on it, and I am sure that we get good milk.

22850. At Richmond you have nothing but a small kitchen garden, apparently?—That is all.

22851. (*Dr. Dunlop.*) Talking about the profits on the farm, you do not include the total receipts as profits? All that you receive is not profit, is it? You have to write off your expenses, have you not?—Certainly. The expenses are shown on the one side and the income on the other.

22852. All the milk that you get is not clear profit; you have to pay for the milk indirectly by buying cows and so on?—Yes, certainly.

# FORTY-EIGHTH DAY.

*Saturday, 5th May,* 1906.

AT THE SHELBOURNE HOTEL, DUBLIN.

PRESENT.

The Right Hon. The EARL OF RADNOR (*in the Chair*).

W. P. BYRNE, Esq., C.B.
H. D. GREENE, Esq., K.C., M.P.
C. E. H. CHADWYCK-HEALEY, Esq., C.B., K.C.
The Rev. H. N. BURDEN.
J. C. DUNLOP, Esq., M.D.

HARTLEY B. N. MOTHERSOLE, Esq., M.A., LL.M. (*Secretary*).

ROBERT E. MATHESON, Esq., LL.D., Registrar-General for Ireland, called; and Examined.

22853. (*Chairman.*) You are Registrar-General for Ireland, I believe?—I am.

22854. Would you tell us, so that we may have it on the notes, what other appointments you have had?—Well, before I was appointed Registrar-General I was Assistant Registrar-General from 1879 to 1900. I was one of the Commissioners for taking the Irish census in 1881 and 1891, and I was Chairman of the Census Commission, as Registrar-General, in 1901. I am also President of the Statistical and Social Inquiry Society of Ireland, and I am examiner in Vital Statistics in the University of Dublin.

22855. I gather from that that you take a decennial census as we do in the rest of the kingdom?—Yes, at the same time.

*Robert E. Matheson, Esq., LL.D.*

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22856. Can you give us any statistics as regards the bearing of our inquiry?—I can. I have prepared some statistics. First, I beg to submit to the Commission a Table (*vide Table I., infra*) showing the number of idiots and the proportion to the population, distinguishing those in various classes of institutions and at large

## TABLE I.

Showing the Number and Sexes of Lunatics and Idiots at large, or in the custody of their Friends, or in Workhouses, or who were confined in Public or Private Asylums in Ireland, at each of the Censuses of 1861, 1871, 1881, 1891 and 1901, with their proportion to the Population.

| Censuses. General Totals. | Lunatics. | | | | | | | | | | | | Idiots. | | | | | | | | | | | | Total Lunatics and Idiots. | | | Proportion of Lunatics and Idiots to the Population. | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | At Large. | | | In Asylums. | | | In Workhouses. | | | Total. | | | At Large. | | | In Asylums. | | | In Workhouses. | | | Total. | | | | | | | | |
| | M. | F. | Total. | M. | F. | Total. | M. | F. | Total. | M. | F. | Total. | M. | F. | Total. | M. | F. | Total. | M. | F. | Total. | M. | F. | Total. | M. | F. | Total. | Lunatics. | Idiots. | Both Lunatics and Idiots. |
| 1901 | 236 | 360 | 596 | 8,938 | 7,649 | 16,587 | 1,039 | 1,612 | 2,651 | 10,213 | 9,621 | 19,834 | 1,918 | 1,354 | 3,272 | 481 | 282 | 763 | 547 | 634 | 1,181 | 2,946 | 2,270 | 5,216 | 13,159 | 11,891 | 25,050 | 1 in 225 | 1 in 860 | 1 in 178 |
| 1891 | 328 | 565 | 893 | 6,041 | 5,224 | 11,265 | 1,094 | 1,693 | 2,787 | 7,463 | 7,482 | 14,945 | 2,427 | 1,650 | 4,077 | 534 | 462 | 996 | 540 | 630 | 1,170 | 3,501 | 2,742 | 6,243 | 10,964 | 10,224 | 21,188 | „ 315 | „ 754 | „ 222 |
| 1881 | 451 | 492 | 943 | 3,878 | 3,669 | 7,547 | 528 | 756 | 1,284 | 4,857 | 4,917 | 9,774 | 2,642 | 1,906 | 4,548 | 1,126 | 770 | 1,896 | 906 | 1,289 | 2,195 | 4,674 | 3,965 | 8,639 | 9,531 | 8,882 | 18,413 | „ 529 | „ 598 | „ 281 |
| 1871* | 675 | 668 | 1,343 | 3,785 | 3,356 | 7,141 | 471 | 803 | 1,274 | 4,934 | 4,829 | 9,763 | 2,970 | 2,177 | 5,147 | 246 | 164 | 410 | 528 | 655 | 1,183 | 3,746 | 2,996 | 6,742 | 8,680 | 7,825 | 16,505 | „ 554 | „ 802 | „ 328 |
| 1861* | 827 | 775 | 1,602 | 2,330 | 2,283 | 4,613 | 176 | 401 | 577 | 3,500 | 3,565 | 7,065 | 3,213 | 2,462 | 5,675 | 213 | 190 | 403 | 399 | 535 | 934 | 3,841 | 3,192 | 7,033 | 7,341 | 6,757 | 14,098 | „ 821 | „ 825 | „ 411 |

* Included in the totals but not in the details for 1861, 273 Lunatics and 21 Idiots confined to prison; and for 1871, 5 Lunatics and 2 Idiots.

*Robert E. Matheson, Esq., LL.D.*

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22857. We had some evidence in England from the Registrar General which went to prove that the statistics were not very reliable. Would that apply also to these, do you think?—I think they are fairly reliable. There may be perhaps some danger of mixing the idiots and the lunatics, but I think the statistics are fairly reliable. In Ireland the vital statistics have formed a part of the census since 1851 and special attention has been paid to them.

22858. How is the information got with regard to the imbeciles and the feeble-minded?—With regard to idiots at large it is got through the police, and with regard to those who are confined in asylums and workhouses it is got from the asylums and workhouses.

22859. I notice that the headings are only "Lunatics" and "Idiots." This would not include imbeciles and feeble-minded?—No, it only includes lunatics and idiots. People who are weak in intellect, yet who are not idiots, would not come under that heading.

22860. They would not?—Of course it would be a matter of discretion with the police or the officer of the institution who had to enumerate them.

22861. Yes, but you have not any knowledge from your statistics of the feeble-minded and imbecile persons in that institution?—No, the words "feeble-minded" do not form part of our heading. You see it is a rather indefinite term, "feeble-minded," and it is very hard to say how you would classify people under that heading.

22862. But the children of defective intellect you think ought to be included in the returns?—Yes, if they are "idiots," but not otherwise.

22863. Do your returns also show the geographical distribution of the numbers?—They do, as shown by following Table II.:—

## CENSUS OF IRELAND FOR THE YEAR 1901.

TABLE II.—Showing, by PROVINCES and COUNTIES, the NUMBER and SEXES of IDIOTS at large, or in the Custody of their Friends, or in Workhouses, or who were confined in Public or Private Asylums in Ireland on the 31st of March, 1901.

*In this Table the Inmates of Institutions have been distributed according to the localities whence they were admitted.*

| Provinces and Counties. | Idiots. | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | At Large. | | | In Asylums. | | | In Workhouses. | | | Total. | | |
| | M. | F. | Total. | M. | F. | Total. | M. | F. | Total. | M. | F. | Total. |
| LEINSTER: | | | | | | | | | | | | |
| Carlow County | 19 | 16 | 35 | 5 | 3 | 8 | 9 | 19 | 28 | 33 | 38 | 71 |
| Dublin County and City | 73 | 50 | 123 | 53 | 33 | 86 | 29 | 11 | 40 | 155 | 94 | 249 |
| Kildare County | 21 | 16 | 37 | 4 | 1 | 5 | 9 | 4 | 13 | 34 | 21 | 55 |
| Kilkenny „ | 29 | 27 | 56 | – | 2 | 2 | 20 | 31 | 51 | 49 | 60 | 109 |
| King's „ | 47 | 23 | 70 | 12 | 5 | 17 | 10 | 19 | 29 | 69 | 47 | 116 |
| Longford „ | 33 | 40 | 73 | 8 | 4 | 12 | – | – | – | 41 | 44 | 85 |
| Louth „ | 36 | 16 | 52 | 6 | 9 | 15 | 27 | 42 | 69 | 69 | 67 | 136 |
| Meath „ | 53 | 35 | 88 | 11 | 3 | 14 | 19 | 20 | 39 | 83 | 58 | 141 |
| Queen's „ | 35 | 14 | 49 | 5 | 3 | 8 | 1 | 3 | 4 | 41 | 20 | 61 |
| Westmeath „ | 43 | 29 | 72 | 12 | 7 | 19 | 9 | 12 | 21 | 64 | 48 | 112 |
| Wexford „ | 67 | 39 | 106 | 2 | 1 | 3 | 27 | 31 | 58 | 96 | 71 | 167 |
| Wicklow „ | 37 | 17 | 54 | 10 | 5 | 15 | 4 | 6 | 10 | 51 | 28 | 79 |
| Total of Leinster | 493 | 322 | 815 | 128 | 76 | 204 | 164 | 198 | 362 | 785 | 596 | 1,381 |
| MUNSTER: | | | | | | | | | | | | |
| Clare County | 81 | 51 | 132 | 3 | 4 | 7 | 42 | 37 | 79 | 126 | 92 | 218 |
| Cork County and City | 168 | 137 | 305 | 25 | 13 | 38 | 42 | 51 | 93 | 235 | 201 | 436 |
| Kerry County | 87 | 82 | 169 | 17 | 9 | 26 | 13 | 19 | 32 | 117 | 110 | 227 |
| Limerick County and City | 52 | 51 | 103 | 10 | 4 | 14 | 25 | 17 | 42 | 87 | 72 | 159 |
| Tipperary County | 83 | 56 | 139 | 29 | 15 | 44 | 35 | 44 | 79 | 147 | 115 | 262 |
| Waterford County and City | 35 | 28 | 63 | 11 | 5 | 16 | 30 | 43 | 73 | 76 | 76 | 152 |
| Total of Munster | 506 | 405 | 911 | 95 | 50 | 145 | 187 | 211 | 398 | 788 | 666 | 1,454 |
| ULSTER: | | | | | | | | | | | | |
| Antrim County and Belfast City | 89 | 70 | 159 | 31 | 10 | 41 | 29 | 37 | 66 | 149 | 117 | 266 |
| Armagh County | 65 | 35 | 100 | 4 | 1 | 5 | 13 | 22 | 35 | 82 | 58 | 140 |
| Cavan „ | 57 | 42 | 99 | 17 | 6 | 23 | 3 | 7 | 10 | 77 | 55 | 132 |
| Donegal „ | 98 | 58 | 156 | 7 | 9 | 16 | 1 | 1 | 2 | 106 | 68 | 174 |
| Down „ | 65 | 48 | 113 | 31 | 13 | 44 | 31 | 27 | 58 | 127 | 88 | 215 |
| Fermanagh „ | 35 | 32 | 67 | 7 | 4 | 11 | 7 | 4 | 11 | 49 | 40 | 89 |
| Londonderry County and City | 45 | 28 | 73 | 19 | 14 | 33 | 12 | 6 | 18 | 76 | 48 | 124 |
| Monaghan County | 36 | 25 | 61 | 15 | 5 | 20 | 11 | 13 | 24 | 62 | 43 | 105 |
| Tyrone „ | 88 | 57 | 145 | 12 | 9 | 21 | 18 | 21 | 39 | 118 | 87 | 205 |
| Total of Ulster | 578 | 395 | 973 | 143 | 71 | 214 | 125 | 138 | 263 | 846 | 604 | 1,450 |
| CONNAUGHT: | | | | | | | | | | | | |
| Galway County | 108 | 70 | 178 | 16 | 9 | 25 | 6 | 24 | 30 | 130 | 103 | 233 |
| Letrim „ | 27 | 31 | 58 | 5 | 1 | 6 | 7 | 3 | 10 | 39 | 35 | 74 |
| Mayo „ | 128 | 75 | 203 | 1 | – | 1 | 29 | 25 | 54 | 158 | 100 | 258 |
| Roscommon „ | 50 | 29 | 79 | 13 | 3 | 16 | 20 | 23 | 43 | 83 | 55 | 138 |
| Sligo „ | 28 | 27 | 55 | 5 | 5 | 10 | 9 | 12 | 21 | 42 | 44 | 86 |
| Total of Connaught | 341 | 232 | 573 | 40 | 18 | 58 | 71 | 87 | 158 | 452 | 337 | 789 |
| Natives of Great Britain | – | – | – | 4 | 1 | 5 | – | – | – | 4 | 1 | 5 |
| „ Foreign Countries | – | – | – | 4 | 1 | 5 | – | – | – | 4 | 1 | 5 |
| Locality Unspecified | – | – | – | 67 | 65 | 132 | – | – | – | 67 | 65 | 132 |
| General Total, 1901 | 1,918 | 1,354 | 3,272 | 481 | 282 | 763 | 547 | 634 | 1,181 | 2,946 | 2,270 | 5,216 |

*Robert E. Matheson, Esq., LL.D.*

5 May 1906.

22864. Can you give us, roughly, in a few words what the result of this is, whether there are more in towns or more in counties, whether there are more in the south, or whether there are more in the north?—Well, I am afraid they vary in the different counties, as you can see, and we would have to make an analysis. I can, of course, get you an analysis.

22865. We will put it in our notes, and we shall take it from that?—Yes, I could do so, but it would take some time to make it.

22866. Have you worked out the percentage of the population that these classes would mean?—I think it is in that Table that I have just handed in.

22867. It is in the Table, is it?—I think so.

22868. Yes, I see:—Lunatics, 1 in 225: idiots, 1 in 860, which gives in the total 1 in 178: but that again does not include feeble-minded at large?—It included idiots at large. You will see they are divided there into "at large," "in asylums," and "in workhouses"; and then there is the total. It does not include the "feeble-minded" who are not "idiots."

22869. I think you wanted to give some evidence as to the causation of the disease, but before I ask you that, is it the case, from these Tables, that the numbers are increasing in Ireland?—You will see the exact figures there at each census, from 14,098 in 1861 to 25,050 at the last census. The increase of lunatics and idiots is very great in Ireland, and I have got something to say to you about that.

22870. I should like you to tell us now whether you can give us any reasons for that increase?—Well, I put it down under the head of the "Prevention of the marriage of persons of feeble mind," in my statement.

22871. Would you like to take it when we come to that?—Perhaps you would leave it till the fourth head of my evidence. Now if you look at that you see there is a little diagram taken from a paper read by me before the Statistical Society, which refers also to England and Scotland, and includes lunatics and idiots, and you can see that we are far ahead. There is a Table there, and then a diagram which shows it in graphic form. And I will give that in.

22872. With regard to the causation of the disease?—The census contained elaborate Tables on that subject, and also with regard to the ages, sexes, and the state of marriage and education amongst lunatics and idiots. I have just removed the lunatics out of that Table, and so you have only the idiots in this (*vide Table III., infra*). In the Table in the report you have got mania and dementia, and so on, which apply to lunatics.

## CENSUS OF IRELAND FOR THE YEAR 1901.

TABLE III.—Showing, by Sexes, the Description of Disease and its presumed cause in Idiots.

| Description of Disease. | Moral or Mental Causes. | | | | | | | | | | | | | | | | | | | | | | | | Physical Causes. | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Disappointment. | | Love and Jealousy. | | Terror. | | Grief. | | Reverse of Fortune. | | Religious Excitement. | | Excitement. | | Ill-treatment. | | Study. | | Anxiety. | | Pride. | | Total Moral or Mental Causes. | | | Sunstroke. | | Injury to Head. | | Fever. | | Epilepsy. | | Intemperance. | |
| | M. | F. | M. | F. | M. | F. | M. | F. | M. | F. | M. | F. | M. | F. | M. | F. | M. | F. | M. | F. | M. | F. | M. | F. | Total. | M. | F. | M. | F. | M. | F. | M. | F. | M. | F. |
| Idiocy - - | 2 | 4 | 1 | 2 | 42 | 38 | 4 | 23 | 8 | 9 | 8 | 6 | - | 4 | 8 | 9 | 6 | 6 | 5 | 11 | - | - | 84 | 112 | 196 | 17 | 7 | 63 | 25 | 10 | 17 | 19 | 22 | 22 | 1 |
| Ditto, with Epilepsy - - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | 3 | 1 | - | - | 12 | 3 | 2 | - |
| Total Idiots—Males and Females. (Census 1901.) | 2 | 4 | 1 | 2 | 42 | 38 | 4 | 23 | 8 | 9 | 8 | 6 | - | 4 | 8 | 9 | 6 | 6 | 5 | 11 | - | - | 84 | 112 | 196 | 17 | 7 | 66 | 26 | 10 | 17 | 31 | 25 | 24 | 1 |
| | 6 | | 3 | | 80 | | 27 | | 17 | | 14 | | 4 | | 17 | | 12 | | 16 | | - | | 196 | | | 24 | | 92 | | 27 | | 56 | | 25 | |

TABLE III.—*continued.*

| Description of Disease. | Physical Causes. | | | | | | | | | | | | | | | | | | | | | | Hereditary. | | Unspecified. | | Gross Total. | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Cerebral Disease. | | Childbirth. | | Diseases of Nervous System. | | Syphilis or Mercury. | | Climate. | | Puerperal. | | Seduction. | | Rheumatic Fever. | | Malformation of Brain. | | Total Physical Causes. | | | | | | | | | | | |
| | M. | F. | M. | F. | M. | F. | M. | F. | M. | F. | M. | F. | M. | F. | M. | F. | M. | F. | M. | F. | Total. | M. | F. | M. | F. | M. | F. | Total. |
| Idiocy - - | 27 | 24 | - | 7 | 24 | 16 | 3 | 2 | 3 | - | - | - | - | - | 1 | - | 18 | 7 | 207 | 128 | 335 | 460 | 309 | 2,103 | 1,662 | 2,854 | 2,211 | 5,065 |
| Ditto, with Epilepsy - - | - | - | - | - | 1 | - | - | - | - | - | - | - | - | - | - | - | - | - | 18 | 4 | 22 | 30 | 13 | 44 | 42 | 92 | 59 | 151 |
| Total Idiots—Males and Females. (Census 1901.) | 27 | 24 | - | 7 | 25 | 16 | 3 | 2 | 3 | - | - | - | - | - | 1 | - | 18 | 7 | 225 | 132 | 357 | 490 | 322 | 2,147 | 1,704 | 2,946 | 2,270 | 5,216 |
| | 51 | | 7 | | 41 | | 5 | | 3 | | - | | - | | 1 | | 25 | | 357 | | | 812 | | 3,851 | | 5,216 | | |

CENSUS OF IRELAND FOR THE YEAR 1901 —*continued.*



TABLE IV.—Showing, by Ages and Sexes, according to the Description of Disease, the State of Marriage and Education among Idiots.

| Description of Disease. | Ages in Quinquennial Periods. | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Under 10. | | 10 and under 15. | | 15 and under 20. | | 20 and under 25. | | 25 and under 30. | | 30 and under 35. | | 35 and under 40. | | 40 and under 45. | | 45 and under 50. | | 50 and under 55. | | 55 and under 60. | | 60 and under 65. | | 65 and under 70. | | 70 and under 75. | | 75 and under 80. | |
| | M. | F. | M. | F. | M. | F. | M. | F. | M. | F. | M. | F. | M. | F. | M. | F. | M. | F. | M. | F. | M. | F. | M. | F. | M. | F. | M. | F. | M. | F. |
| Idiocy - - | 92 | 40 | 203 | 137 | 353 | 231 | 386 | 255 | 393 | 246 | 331 | 239 | 217 | 145 | 219 | 192 | 153 | 119 | 125 | 172 | 92 | 81 | 116 | 127 | 58 | 58 | 58 | 92 | 28 | 31 |
| Ditto, with Epilepsy | – | 1 | 4 | 3 | 16 | 12 | 11 | 7 | 5 | 4 | 11 | 8 | 11 | 6 | 10 | 7 | 6 | 5 | 7 | 1 | 4 | 1 | 2 | 2 | 4 | – | – | 2 | 1 | – |
| Total Idiots—Males and Females. (Census 1901.) | 92 | 41 | 207 | 140 | 369 | 243 | 397 | 262 | 398 | 250 | 342 | 247 | 228 | 151 | 229 | 199 | 159 | 124 | 132 | 173 | 96 | 82 | 118 | 129 | 62 | 58 | 58 | 94 | 29 | 31 |
| | 133 | | 347 | | 612 | | 659 | | 648 | | 589 | | 379 | | 428 | | 283 | | 305 | | 178 | | 247 | | 120 | | 152 | | 60 | |

TABLE IV.—*continued.*

| Description of Disease. | Ages in Quinquennial Periods. | | | | | | | | Marriage. | | | | | | Education. | | | | | | General Total. | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 80 and under 85. | | 85 and under 90. | | 90 and upwards. | | Ages unspecified. | | Unmarried. | | Married. | | Widowed. | | Read and Write. | | Read only. | | Uneducated. | | | | |
| | M. | F. | M. | F. | M. | F. | M. | F. | M. | F. | M. | F. | M. | F. | M. | F. | M. | F. | M. | F. | M. | F. | Total. |
| Idiocy - - | 22 | 23 | 6 | 15 | 2 | 8 | – | – | 2,735 | 1,973 | 71 | 118 | 48 | 120 | 491 | 450 | 126 | 133 | 2,237 | 1,628 | 2,854 | 2,211 | 5,065 |
| Ditto, with Epilepsy | – | – | – | – | – | – | – | – | 84 | 55 | 6 | 1 | 2 | 3 | 29 | 17 | 6 | 3 | 57 | 39 | 92 | 59 | 151 |
| Total Idiots—Males and Females. (Census 1901.) | 22 | 23 | 6 | 15 | 2 | 8 | – | – | 2,819 | 2,028 | 77 | 119 | 50 | 123 | 520 | 467 | 132 | 136 | 2,294 | 1,667 | 2,946 | 2,270 | 5,216 |
| | 45 | | 21 | | 10 | | – | | 4,847 | | 196 | | 173 | | 987 | | 268 | | 3,961 | | 5,216 | | |

22873. I think you wanted to make some suggestion to us as regards prevention of the marriage of persons of feeble mind?—Yes. The present state of the law is that neither lunatics nor idiots are capable of entering into the marriage contract. 51 Geo. III., c. 37 declared that the marriage of lunatics and persons under phrenzies (if found lunatics under a commission or committed to the care of trustees) before they are declared of sound mind by the Lord Chancellor, or the majority of such trustees shall be totally void. It is not material whether the want of legal consent arises from lunacy or idiocy, or from both combined. If the party is incapable of understanding the nature of the contract itself, and incapable, from mental imbecility, of taking care of his or her own person and property, they are incapable of legally contracting marriage. But the marriage of a lunatic (not under a Commission of Lunacy) during a lucid interval is valid. It is here that in my opinion legislation is needed. A case recently occurred in which notice was served in Ireland for the marriage of a gentleman with a person of inferior position. The male had been under detention as a lunatic, and a *caveat* was lodged with the district registrar on the ground of mental incapacity, supported by a certificate from the family medical attendant. The *caveat* was referred to me for decision, as Registrar-General. After examining him I came to the conclusion that the man was of unsound mind, and my opinion was supported by that of two eminent medical men who examined him at my request. He was then removed by his family to an asylum. After he had been for a short time there, he was discharged as cured. He immediately served a fresh notice of marriage, which I was then powerless to prevent. There are three children as the issue of this union. It is no wonder, in such a state of the law, that the number of lunatics is on the increase. Another case occurred some years ago in which an army officer of high rank proposed to get married in Ireland to a person much beneath him in social position. Evidence was tendered to me of mental derangement, in consequence of which I interdicted the solemnisation of the marriage. The parties then went to England, and got married there. After the man's death the validity of his marriage was called in question in an administration suit in London, in which I was subpœnaed as witness. The judge upheld the marriage as he considered that deceased was sufficiently capable of understanding the nature of the marriage contract, though his mind was deranged on other subjects. I do not remember whether there was issue from that marriage, but the case affords another illustration of the way in which the present state of the law operates in producing hereditary lunacy. I consider the law requires amendment, and that no person who has been under detention as a lunatic or idiot should be permitted to marry without special permission from the Lord Chancellor, obtainable only after a full consideration of the circumstances, viz.:—

(1) The nature of the attack;

(2) The length of time which had elapsed since the individual was under detention; and

(3) The family history.

22874. I gather from that that you think the increase in diseases of the brain is mostly to be attributed to heredity?—Well, I do not say mostly, but I say largely. There are other things, as I will show you now.

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22875. Have you any statistics which go to prove that, which go to show the cause ?—No, it would be very difficult, except in cases of this kind which come specially under the notice of the Department, to procure such statistics, but there is no doubt that that is so. I can, from my own private information, supply instances.

22876. But no body of statistics ?—I do not know of any.

22877. But you have not been able to get them ?—No, it might be possible to obtain such, though it would need a very special inquiry.

22878. Yes. Now there is a particular point as regards this question on which I think you wish to say something, and that is with regard to the protection of girls and young women of feeble mind ?—Yes. There is no doubt that girls and young women of feeble mind frequently become the mothers of illegitimate children. Had time permitted I might have made more extended inquiries from official sources, but I find that amongst the illegitimate births in the two Dublin workhouses last year there were four such cases. I have been engaged for some time in philanthropic work in Dublin amongst girls of the humbler classes, and within a short period have met with two cases of this kind, while in another case I know of a girl who was taken into a Home as she was in imminent danger. In my opinion the seduction of girls and young women of feeble mind should be made a criminal offence.

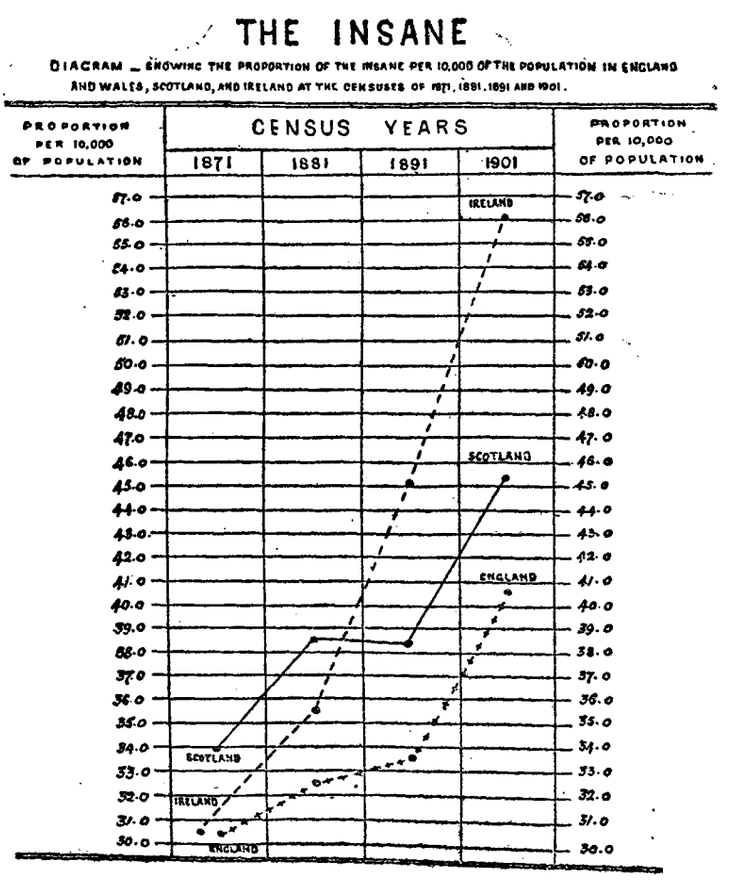
22879. I think there are one or two questions with regard to that that my friend, Mr. Greene, will ask you. There is also a further point of which you made a note for us with regard to the return to Ireland of emigrants who have become lunatics in other countries ?—Yes.

22880. But that would not relate to feeble-minded ?—Yes, in that case it might include such.

22881. Perhaps you could give us some information on that subject ?—I first beg to submit the following Table and Diagram, showing the proportion of the insane per 10,000 of the population of England and Wales, Scotland, and Ireland at the Censuses of 1871, 1881, 1891, and 1901 (*vide Table IV., etc., infra*).

TABLE SHOWING THE PROPORTION PER 10,000 OF THE POPULATION ENUMERATED AS INSANE IN IRELAND, ENGLAND AND WALES AND SCOTLAND, AT THE CENSUSES OF 1871, 1881, 1891, AND 1901 RESPECTIVELY.

| Census Years. | Ireland. | England and Wales. | Scotland. | Census Years. |
|---|---|---|---|---|
| 1871 | 30·49 | 30·39 | 33·97 | 1871 |
| 1881 | 35·58 | 32·53 | 38·54 | 1881 |
| 1891 | 45·04 | 33·58 | 38·41 | 1891 |
| 1901 | 56·18 | 40·78 | 45·37 | 1901 |


THE INSANE
DIAGRAM — SHOWING THE PROPORTION OF THE INSANE PER 10,000 OF THE POPULATION IN ENGLAND AND WALES, SCOTLAND, AND IRELAND AT THE CENSUSES OF 1871, 1881, 1891 AND 1901.
PROPORTION PER 10,000 OF POPULATION
CENSUS YEARS
1871
1881
1891
1901
IRELAND
SCOTLAND
ENGLAND

From the above it will be seen that in England and Wales the proportion of the insane per 10,000 of the population increased from 30·39 in 1871 to 40·78 in 1901, that in Scotland the proportion per 10,000 increased from 33·97 in 1871 to 45·37 in 1901, and that in Ireland the proportion of the mentally deranged per 10,000 of the population rose from 30·49 in 1871 to 56·18 in 1901. Thus Ireland occupies the unhappy position of having by far the highest proportion of insane in its population, Scotland coming next, while England and Wales stand third in the list. A considerable factor in the large increase of the insane in Ireland at the last census is the return to this country of Irish emigrants to the United States who have lost their health and reason while working there, and have been sent back to this country. This fact first came under my notice in a somewhat peculiar way. A medical officer of health of one of the large cities in our Australian colonies called on me. In discussing with him the mode adopted by his colony of dealing with various social problems which affect my department, amongst others the subject of lunacy, he mentioned that he had travelled *via* New York, and on the steamer made the acquaintance of a lady who told him she was an official from the United States, and was in charge of lunatics who were being conveyed to Ireland, and that she had previously been over to this country on the same business. He conversed with two of these lunatics, and ascertained some particulars of their history, which he gave me. I made inquiries, with the result that it appeared that in both cases these girls were inmates of an institution for the reception of the insane in the United States. One of them had been induced to travel to Ireland on the representation that it was for a holiday, the money which she had on entering the institution being applied, apparently, to pay her passage. This girl, a melancholic, after being landed at Queenstown, was given a railway ticket to the town where her mother lived, and arrived there alone. The other girl was dumped down at her father's house, without any previous notice whatever, a wild and ungovernable lunatic, by two women who, having left her there, drove away. Further inquiries go to show that numbers of persons of unsound mind have been deported to this country, so that we are now supporting not only the lunatics amongst our own population, but in addition a considerable number drawn from the large Irish population in America. The Aliens Act prevents the landing of lunatic aliens, but this does not apply to British subjects, and I consider a law should be passed imposing severe penalties on shipping companies who attempt to land persons of unsound mind without the licence of the Lord-Lieutenant, which should be granted only where the relatives of such lunatics have entered into a bond to maintain them.

22882. Is there anything further?—Well, there is another matter, but it is trifling. The only other matter, so far as I am aware, in which my department is concerned, in the inquiry being instituted by your Commission, is the question of consent in the case of marriage of minors where the parent or guardian is *non compos mentis*. This case is now provided for under 7 & 8 Vic., c. 81, Sec. 20. I give you the section. It shortly provides that a judicial declaration may be procured from the Lord Chancellor or the Master of the Rolls, which would take the place of a consent on the part of the parent or guardian who is *non compos mentis*. While this procedure provides for cases which may occur amongst the richer classes, it is, on account of the expense of legal procedure, unavailable to the poor, and I would suggest that the law be amended so as to vest in the Registrar-General the power of dispensing, by declaration under the Seal of the General Register Office, with consent in cases of parents or guardians who may be *non compos mentis*. That is absolutely in the interests of the poorer classes. Of course it is easy for persons of means to instruct their solicitor and get counsel to apply to the Lord Chancellor or the Master of the Rolls and get a judicial declaration, but the case is otherwise if it is a poor person who wants to get married, and I would suggest an amendment of the law in favour of such persons. I have already a jurisdiction, as you will see with regard to persons *non compos mentis* under the Marriage Act; and a declaration under the seal of my office, I propose, should in such cases take the place of a judicial declaration by the Lord Chancellor.

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22883. (*Mr. Greene.*) Dr. Matheson, have you got with you a copy of the form which was served upon occupiers when the census was taken in 1901?—I have not got one here, but I can easily get it.

22884. Perhaps you would tell me what question was put, what phrase was used, to ascertain the state of mind—soundness or unsoundness—of the persons for whom the occupier was to answer. Was the phrase used, or the inquiry, "if deaf or dumb or blind or imbecile or idiotic or neurotic"?—I would rather have the form before me before answering the question. The word "feeble-minded" was not used.

22885. You are aware that in England that was introduced in the last census?—Yes, I am, and when I saw it I thought it was a rather indefinite term.

22886. Then has the same form been always used since 1861, when your statistics commence?—I think so, practically.

22887. Because since the use of the term "feeble-minded" has been introduced in England a larger number of persons have been returned as feeble-minded who formerly would not have been noticed as idiots. Their friends would not have regarded them as idiots, but since that term "feeble-minded" is allowed they have been enumerated?—Yes, but the introduction of an indefinite term like that appears to me very doubtful. I would not like to criticise the statistical work of my colleagues in England, but if it had been proposed to introduce any such term in Ireland I would strongly have objected.

22888. Then if the same terminology has always been used for the last forty years your statistics are more reliable perhaps than those of England?—For the purposes that we have in view our statistics are very reliable indeed. And we have a very great advantage over England in this respect that our statistics with regard to the general population are collected by an admirable body of men, the Royal Irish Constabulary, who know everything about their districts. In England the Registrar-General had to collect a large army of enumerators, which was exceedingly difficult for him, but we had the whole machinery here ready, and some of the men engaged in the previous censuses were engaged again as enumerators in the subsequent census, and the police know all about this kind of work and all about their districts, so that we had, I should say, an advantage. While the Registrar-General in England has a larger number of enumerators, and we are limited by the conditions of the police force to a much smaller number, *i.e.*, the number that could be spared temporarily from their duties, at the same time I should say the system of having an organised force such as the police here, is a much more satisfactory one than the system which was necessarily adopted in England.

22889. (*Mr. Byrne.*) The process was exactly the same?—Yes.

22890. (*Mr. Greene.*) Would you consider that the increase in the lunacy returns is due to any improvement in the method of taking the statistics, or is it that the only real increase of insanity is from feeble-mindedness and idiocy?—I think the statistics have been taken in the same way for all the censuses, except perhaps that of 1851. That was the first time for this inquiry, but for the subsequent ones, those of 1861, 1871, 1881, 1891, and 1901, they have been taken on precisely the same lines, and I think they are quite comparable. But, as I said before, there may have been some mixing between idiots and lunatics.

22891. Now, has the proportion of cases risen with any increase of population in the particular areas?—No, as a rule, you know, the population has been going down.

22892. But I did not know; I have not seen your statistics, and did not know whether they had reference to particular localities?—You will see it at once from one of those Tables that I have handed in. That gives the figures in proportion to the population, and as regards the country at large the diagram I have handed in will enable you to compare the English and Scotch figures. (*Vide p. 126.*)

22893. Can you suggest any reason for the almost regular progressive increase that there has been in the return of lunatics and idiots?—Well, I have mentioned

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two. I have mentioned heredity as a very important factor. I have also mentioned that we are drawing our lunatics, not from Ireland only now, but that a number of lunatics have come back from America. That is a very important thing to my mind, very important. With regard to the general causation of it I fear that drink is largely, from my own personal observation, at the bottom of a good deal of it. But that, you see, is outside my sphere. That would be rather within the sphere of the Inspectors of Lunatic Asylums.

22894. Now, with reference to what you have stated as to the law of marriage, you stated, I think, that neither lunatics nor idiots can marry ?—Yes, there is a statute.

22895. That statute is also applicable to England ?—No, it is a different statute for England.

22896. Yes, the 51st Geo. III., c. 37, is it not ?—The English statute is the 15th Geo. II., c. 30, but the Irish statute—you see it there—extends the law.

22897. I am aware of that, but it has been held in England that, owing to complicated and unsatisfactory enactments, the Irish law—what we call the Irish statute—is applicable in England, and that the marriage of a lunatic so found is null and void in England, but you have your own statute ?—Yes, this is the statute under which we prohibit the marriage of a lunatic or idiot.

22898. Well, the words there are "lunatics or persons under phrenzies"; do you understand that that would include idiots ?—Well, if a case came before me of an idiot proposing marriage I would direct the registrar not to proceed.

22899. On the ground that he was a lunatic or a person under a phrenzy ?—Well, I do not know whether there are judicial decisions on that point—probably you are aware of it—but acting as an administrative officer of the Irish Government I should refuse to allow the marriage to go on, on the ground that the intention of the law was that a person of unsound mind should not get married.

22900. What is your Marriage Act which enables you, as the Registrar-General, to interpose ?—The section ?

22901. Under what statute are your functions laid down ?—The 7th and 8th Vic., c. 81, sec. 23. The local officer refers the *caveat* to me, and I am the judge of whether the *caveat* is entered on frivolous grounds or not.

22902. The Irish Marriage Act ?—That is the Irish Marriage Act. In the second case which I have mentioned, the case of the Army officer, there was no *caveat* lodged, but I was satisfied from the evidence collected by the police that the man's mind was deranged, and I refused under the general statute as to the marriage of lunatics to allow the marriage to go on.

22903. Does that statute give you an opportunity of holding an investigation and inquiry as to the state of mind of the proposed spouse ?—Certainly; as a matter of fact I had the man in the first case I mentioned in my office. I sent for him and spoke to him.

22904. Do you hold a formal inquiry ?—Yes, if they wish to have an inquiry, but it was not necessary. The law vests the power in me absolutely.

22905. I have not seen your statutes before ?—Well, when any *caveat* is lodged with a district registrar, he generally for his own protection refers it to me. I am to decide whether the ground alleged in the *caveat* is sufficient to stop the marriage. Well, of course, lunacy would be a ground, and consequently that has to be substantiated.

22906. Is your decision final, or is there any sort of appeal from it ?—I do not think there is any appeal from it.

22907. How long does that prohibition or declaration of yours last ?—Well, in the case of lunacy, it would be till the frenzy were terminated. In the case that I mentioned to you the man was afterwards declared and certified to be recovered by the medical attendant of the institution in which he was confined, and of course that settled the whole question.

22908. Who has a *locus standi* to lodge a *caveat* ?—Any person.

22909. The public at large ?—Any person, yes.

22910. (*Mr. Chadwyck-Healey.*) How did you hear of that case in which there was no *caveat* ?—The registrar applied to me.

22911. He knew of it personally ?—He applied to me, and stated the facts of the case, and I made inquiry then through the police as to the general sanity of the man, and I had evidence from what was alleged by the registrar and by the police that the man was not of sound mind.

22912. (*Mr. Greene.*) Do you chance to know how the registrar became aware of the imbecility ?—He was living in the town.

22913. He was personally or non-officially aware of it ?—It was a notorious fact.

22914. It was not knowledge officially acquired but public notoriety ?—Yes.

22915. And is there any process for hearing people of unsound mind by solicitor or counsel before you ?—If they wish to do that, I can, we often hold public inquiries in connection with my Department, but in the other case I mentioned I saw the lunatic myself. What happened was this—I sent for him and spoke to him and told him that there had been a *caveat* lodged against his marriage, supported by a medical certificate from his family medical attendant, and he then said that that was a trumped up business, and that the family had succeeded in persuading the medial attendant to give a certificate. "Well," I said, "under these circumstances are you willing to be examined by two medical practitioners of eminence—the Lord Chancellor's two visitors ?" He said, "Yes," and I said, "Very well," and I appointed a day, and he came, and I had him examined in my room by those two medical visitors of the Lord Chancellor, and their opinion entirely agreed with mine, and as a result the marriage was stopped, but as I told you he was subsequently declared to be cured. I then intimated to the person who had lodged the *caveat* that a fresh notice had been served, and no further attempt was made to stop it.

22916. This power to stop a marriage only applies to cases before the registrar ?—Yes.

22917. And it does not affect marriages contracted in ecclesiastical places ?—Well, it affects all marriages which are solemnised on a licence or certificate from the registrar. That includes all the bodies, such as the Methodists, the Congregationalists, the Baptists in Ireland, and a number of other bodies who receive authority for their marriages from the registrar. It does not apply to marriages in the Church of Ireland, nor does it apply to marriages in the Presbyterian Church.

22918. Nor to Roman Catholic marriages ?—No; I have no jurisdiction with respect to marriages celebrated by the Roman Catholic clergy, except with respect to their registration.

22919. Is it your suggestion that there should be more power to stop marriages which may take place in any of those other religious bodies, in religious bodies that are not limited by having to obtain licence or certificate from the registrar ?—My suggestion is that there ought to be general power or a general requirement that before a lunatic can get married there ought to be an inquiry into the circumstances before the Lord Chancellor.

22920. Whether the marriage be solemnised in the Church of Ireland or the Roman Catholic Church ?—Decidedly. The object is to prevent the birth of children of those parents.

22921. Then it is your suggestion that in the Lord Chancellor's Court some office should be formed where *caveats* should be lodged, and if that were done it would stop marriages in the Roman Catholic Church between two Roman Catholics ?—What I have said is that I consider that the law requires amendment, and that no person who has been under detention as a lunatic or idiot should be permitted to marry without special permission from the Lord Chancellor, obtainable only after a full consideration of the circumstances, namely, the nature of the attack, the length of time which had elapsed, and the family history. If that is not done I think it would be far better in the case of Protestant marriages for all those cases to be referred to the Registrar-General. At present in the case of the Church of Ireland, they are referred to the Bishop. The licenser for the

Church of Ireland marriages is an officer of my Department. I have his bond for £100 for the proper discharge of his duties, but if he issued a licence after getting a warning with regard to a person being a lunatic it is doubtful at present whether I could pull him up under the bond on account of the *caveat* being legally referable to the Bishop.

22922. But is there any marriage by way of banns?—Yes; that is altogether an ecclesiastical thing, and I have nothing to do with it.

22923. Do you suggest that the same power to stop marriages by banns should be conferred?—I suggested that no person who has been under detention as a lunatic should be permitted to marry without special sanction of the Lord Chancellor.

22924. Would you extend that to the feeble-minded?—I think "feeble-minded" is an unsatisfactory term, as I think I said before.

22925. Now, with respect to the protection of girls, I dare say you know the Criminal Law Amendment Act which is applicable in Ireland; that is, the Criminal Law Amendment Act of 1885. Are there many cases brought up in Ireland of assaults upon girls, in which the girls are of feeble mind or idiots?—Well, I do not think the criminal statistics show that.

22926. It does not come up very much? I observe that you used the word seduction, which would hardly apply to a case of assault?—Of course. If it is a rape it is a criminal offence already.

22927. My attention has been directed to the statement that it does not appear that there is any provision of the Irish law under which an assault on a lunatic or idiot patient or his injury by his custodian is specially punishable. Are you aware of that, or is that a correct statement?—Well, I cannot offer any opinion about it.

22928. The Lunacy Acts do not come under your observation?—No, that would be under the control of the Inspectors of Lunatic Asylums.

22929. Is this a right statement, that "there is no provision against indecent assault on a lunatic except that contained in the Criminal Law Amendment Act of 1885, and that the words "idiot or imbecile" occurring there have been interpreted in the Irish Courts with regard only to persons congenitally weak-minded." Do you know whether that is an accurate statement?—I cannot express any opinion about that.

22930. Has your attention been called to the fact that under the Criminal Law Amendment Act the burden lies on the prosecution to show that the person who has unlawfully and carnally known or attempted to have had unlawful carnal knowledge of any female must be proved by the prosecution to have known at the time of the commission of the offence that the woman or girl was an imbecile or idiot?—No; that does not come in any way within my official control.

22931. But as a gentleman engaged in philanthropic work perhaps you would agree with the proposal that it should be made punishable to anyone who has unlawfully or carnally known or attempted to know a girl who is an idiot?—Yes.

22932. Or whom we should call feeble-minded?—Yes.

22933. Who is unable to appreciate morally and physically the effect of what is taking place?—Yes.

22934. And you would make it punishable?—Most decidedly.

22935. Without requiring the prosecution to prove that the man knew the state of mind of the victim?—Yes, I think so.

22936. He must run the risk himself?—Yes, I think so.

22937. Of his illicit or attempted illicit action; that is his business, you say?—Yes.

22938. And that if he wants exculpation he must prove that he had reason to believe that she was of sound mind and capable of giving consent to his advances?—Yes, I would put the *onus* of proof on him.

22939. Would you go a step further and say that apart from any *onus* of proof there should be an absolute legal sanctuary for this girl; that she should be protected whether the man knew or did not know of her imbecility or mental weakness?—Do you mean that the man should be punishable for having connection with the girl?

22940. Whether he knew or did not know that she was an idiot?—She being feeble-minded?

22941. She being feeble-minded?—Certainly I would punish him for having connection with her.

22942. (*Chairman.*) Even if he did not know anything about it?—Even if he did not know anything about it.

22943. (*Mr. Greene.*) It is his business to find out?—Yes.

22944. Do you think that your view of that matter is one that would be generally entertained in Ireland?—I could not speak for others.

22945. There was one other point about which I was going to ask you, whether it comes within the range of your experience to deal with criminal law trials, and whether you could give any suggestion as to the way in which persons who are being tried should be dealt with, who are obviously feeble-minded?—Well, it comes within my province to edit the ordinary criminal statistics. I edit them for the Irish Government, the judicial statistics, but the details in that way would not come within my province.

22946. (*Mr. Chadwyck-Healey.*) I should only like to ask one question. Admitting that the term "feeble-minded" is indefinite, as you have put it, are you prepared to say that the figures which you have given to-day do not include the whole of the persons who are mentally defective—I use the negative term; that probably the figures would be higher if you could take in a class who are just outside, who are not of sound mind?—They include all persons who are lunatics or who are commonly known as idiots. But when you come to a question of "feeble-minded" it is a question of what you mean. If they are really idiots my figures do include them.

22947. But I am asking you to assume that they are not idiots and not lunatics, that they would not be certifiable, but they are nevertheless so defective mentally as not to be able to do perhaps everything for themselves that a sane person could do; they would escape notice, would they not—they would not be returned?—If they were not idiots they would not be returned. That is the only answer I can give. They must be idiots in the ordinary meaning of the term.

22948. (*Chairman.*) That is, certifiable?—There is no one to determine that. A policeman comes to a house and there is a member of the family who is weak-minded, and he must be the judge. You see you are getting into a very indefinite region indeed.

22949. (*Dr. Dunlop.*) Now as to these figures I notice that there are 5,216 returned as idiots in Ireland?—Yes.

22950. And of these only 763 are in asylums, 1,181 in workhouses, while 3,272 are at large?—Yes. Are those idiots or lunatics?

22951. This is from the Table of idiots?—Yes.

22952. The conclusion is that there are 3,272 at large. Does that show that there is a necessity of further provision for them or not?—It shows I say that they are persons whose imbecility of mind does not make them dangerous to other people and that there is no necessity for confining them in institutions. They are at home and their presence there does not cause any danger or inconvenience.

22953. Would you put danger down as the one *sine qua non* for treatment in an asylum?—No.

22954. Surely some of these 3,272 must be neglected at home?—Oh, that may be.

22955. Perhaps it is a point you have not considered?—Yes, but you see, what is to be done? To put people who are really not causing danger at home or serious

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inconvenience, to put them into an asylum and make them chargeable to the public would be a very serious thing. We are already being charged to a tremendous extent and you have probably had evidence to show that the charges are tremendous for the maintenance of idiots in Ireland.

22956. Do you think we may take it that some of these cases—that a large proportion of them—are not sufficiently cared for at home, or that the majority are well cared for at home?—If you ask me "are there persons of insane mind who are not in institutions and who ought to be there," I should certainly say there are, but to what extent of course I cannot offer any opinion.

22957. There is another figure that I abstract from one of your Tables. You are aware that there is in Ireland one institution for the training of imbeciles in the country and it may come to be a question whether further provision ought to be made. Now from your figures I see that at the trainable age, under 15, there are only 480 for the whole of Ireland. Do you think that a reliable figure?—Allow me just to look at that. Oh, I do. I see no reason to question it..

22958. But do you think the 480 will include all the cases which require training?—That is, under twenty?

22959. Under fifteen?—Now you are dealing with idiots alone.

22960. Which includes imbeciles for census purposes, does it not?—Yes.

22961. Well, my reason for questioning that figure is this: You are aware that it is a congenital defect?—Yes.

22962. And a great many of them die off, and you would expect a diminishing number as age increases; you would expect more between ten and fifteen than between twenty and twenty-five, probably three times as many, and you have got exactly the reverse in your Irish figures?—Well, if these marriages are permitted to go on as they are, don't you see, the supply comes up very well.

22963. The supply would come usually at one year old instead of simply arising at twenty?—All I can say is that those are the figures which have been returned to us by the police and we have no reason to doubt the accuracy of them.

22964. But as a statistician I should like your opinion on this point. The numbers at the quinquennial age periods should be markedly diminishing quantities, but here they are increasing quantities, and that shows there must be some error somewhere. You would not question that?—That there is an error?

22965. Yes?—No, but it may come from something that has not come before you.

22966. How do you explain the fact that the numbers increase over twenty years old?—I would like to look into that question. It has not been started before and I did not know that you were going to ask me that question. If you will allow me to look at it I will be very happy to give you the result of an inquiry into it.

22967. Do you think that this figure, 480, would cover the demand of Ireland for training institutions—it is proportionally far lower than in England or Scotland, or anywhere else?—Yes, but then you see that this question of feeble-minded is introduced in England, and I do not think the statistics are comparable at all.

22968. Well let us compare with Scotland. We have a population about the same?—But you have got feeble-minded in Scotland too.

22969. Certainly we have, there is no difference. We estimate there about 2,000 to 2,500 children requiring training in an imbecile institution?—And how many of them are there?

22970. But your estimate according to this particular return is only 480 for Ireland?—Well if you will allow me to look into the point I will give you an answer about it. I will look into it and I shall be happy to attend again and give you all information about it. The figures are correct as returned to us. The explanation of them is quite another question.

22971. But for this conclusion and especially at this early age you are prepared to stand guarantee?—I cannot explain the difference between the Irish and the Scotch figures, but as a matter of fact it has not come under my notice.

22972. And you cannot explain the general increase after twenty? It is an age at which idiots are not produced; instead of its being a diminishing quantity it is an increasing quantity?—I think I stated that there was a danger of lunatics and idiots being mixed up, and there might have been at this age some transfer of the figures. That might account for it.

22973. Some mixing of the figures?—The figures between the two I mean. You must remember that the enumerators are policemen and that they are not specialists in mental diseases, and they may have mixed up the cases. However, do you wish me to get you the information? Do you wish me to have that matter looked up?

22974. Please, yes.

22975. (*Mr. Byrne.*) I should like to ask you one question about the collection of those figures. You have described them as being collected by the police?—Yes.

22976. As if that were an official return?—Yes.

22977. But as a matter of fact the system is the same as in England except that instead of having enumerators appointed from the civil population for the purpose the papers are collected by the police?—Yes.

22978. The system is that you leave the papers with the residents to be filled up, and that these are collected by the police?—Yes.

22979. It is not a return made by the police and verified by police knowledge and observation and under police responsibility. It is just simply a paper filled up by the inhabitant. That is the essential point, is it not?—Well, but suppose the policeman got a statement in the return which he knew to be false?

22980. Yes, but if, as in the great bulk of these cases, he was not sure one way or the other, he would leave it alone, would he not?—Yes, but these police have got a very intimate knowledge of the whole population of their district, and they know everything about the people.

22981. Do the police as a matter of fact correct and alter the returns, and to a certain extent make them their own?—No, they do not alter or correct them in any way, but they know the facts and if there were a gross misstatement they would, of course, be responsible to bring the matter before the Census Commissioners.

22982. (*Chairman.*) We are very much obliged to you. Is there anything else?

22983. (*Witness.*) How shall we get this question settled that Dr. Dunlop has raised?

22984. If you will give us an explanation of that we shall be very much obliged.

22985. (*Witness.*) I need not tell you that with an enormous administrative department under my attention, to be taken on two or three columns, it is quite impossible to answer it at the moment, but I can get the information.

22986. (*Dr. Dunlop.*) Probably it needs consultation.

22987. (*Witness.*) Might I understand exactly what it is you want? Under fifteen the number is something like four hundred and odd in Ireland, whereas in Scotland it is something like 2,000.

22988. (*Chairman.*) The point is rather this: We are given these figures and told they are reliable. We take it from these figures that the total number of imbeciles under 15 years of age for whom accommodation is required is only 480 for Ireland. It is the number of persons, you see.

22989. (*Witness.*) For whom accommodation is required?

22990. So would one imbecile asylum with 480 beds meet all the requirements of Ireland?

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22991. (*Witness.*) That the total number of imbeciles for whom accommodation is required in Ireland——

22992. Does not exceed 480.

22993. (*Witness.*) What Table is that ?

22994. Table IV.; the census number as given here.

22995. (*Witness.*) Oh, I understand.

22996. The quinquennial period ages, and sexes

22997. (*Witness.*) I can easily do that.

[*Note to Q. 22997.*—The witness subsequently informed the Commission that having made inquiry he finds that according to eminent medical authority (*vide* Quain's "Dictionary of Medicine," 1902, article on "Idiocy," by Dr. R. Langdon Down), idiocy is not regarded as an exclusively congenital disease, but is classified into two groups. (1) Transmitted, and (2) Acquired, the former including congenital and developmental cases, and the latter accidental and nutritional cases; and that on an examination of the original Irish Census Returns it appears that numbers of cases, other than congenital, have been included in the returns of Idiots.

He also stated that on reference to the Report of the Scotch Census of 1901, he finds that the "feeble-minded" were included with "Idiots" in Scotland in 1901, and that therefore no comparison can be made between the Scotch figures and those for Ireland which refer to "Idiots only.

The witness further informed the Commission that the 480 persons returned for Ireland as "Idiots" under 15 years of age, do not include all the cases which require training, and that he had no means of supplying them with the actual number of such persons.]

STEWART WOODHOUSE, Esq., M.D., F.R.C.P.I., Medical Member of the General Prisons Board, Ireland, called; and Examined.

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22998. (*Chairman.*) Would you be so good as to tell us how long you have been a medical member of the Prisons Board ?—Over sixteen years. Before that I was for six years an Inspector under the Local Government Board of Ireland.

22999. You have been so kind as to give us a statement of your evidence; might we put that on the note ?—Please.

By "feeble-mindedness" I understand, in accordance with Dr. Alfred Eichholz's definition, a partial derangement of normal human activities as a result of impaired brain development—a derangement which in degree falls short of certifiable insanity.

The number of feeble-minded in Irish prisons is not large—I believe a smaller proportion than in England—probably because the bulk of our population is rural, so that the feeble-minded member of a family is better protected and hedged in by the rest of the family or the village; also because the employment in our country is chiefly agricultural, so that the weaker-minded can lead his life with his fellows in simple forms of occupation, whereas the skilled work required from the mechanic or factory hand would differentiate and separate him from his brethren. Less fit for the workshop than the normally developed, he would have a greater tendency to become a loafer, a waif, and a criminal. In Maryboro' convict prison out of about 240 convicts only about five or six could be described as feeble-minded, and even in some of these few criminal-mindedness is the more prominent characteristic. In Ireland a Parkhurst is unnecessary.

In Irish prisons the facilities for detecting a defective or deteriorating state of mind in prisons are ample and efficient. Besides the medical officer examining every prisoner on his committal and seeing him at stated intervals, and keeping under his special observation any prisoner whose mental state he suspects is becoming enfeebled by his imprisonment, the officers in charge are required to direct the attention of the governor to any prisoner whose state of mind appears to be deserving of special notice and care in order that the opinion and instructions of the medical officer may be taken; the chaplain is required to pay particular attention to the state of mind of every prisoner, and the governor in his turn must call the attention of the medical officers to any prisoner whose state of mind appears to require attention, and must carry into effect the medical officer's directions respecting alterations of the discipline or treatment of any such prisoner. Moreover, those who receive sentences long enough to render them eligible for instruction come under the observation of the schoolmaster, for not less than four hours' teaching every week, partly in cell and partly in class.

Courts of justice occasionally, in sentencing a prisoner, give a direction that when in prison his mental condition be specially observed. To help a medical officer in arriving at a conclusion a governor can obtain, through the police of the district in which the prisoner has resided, accurate information regarding his family history, his habits, his reputation for eccentricity, etc.

In Ireland the number transferred each year to district asylums from local prisons is large, ranging during the last ten years from 102 in 1897 to 51 in 1903.

Some of these sentenced by Courts of Summary Jurisdiction to short periods of imprisonment were really known at the time to be insane and might readily have been dealt with by the magistrates as lunatics. Prison medical officers have complained that the prison was regarded by magistrates as a mode of admission to the asylum. Besides lunatics, idiots and pronounced imbeciles, if committed to prison, are certified and sent to an asylum. About 80 per cent. of those sent from local prisons to district asylums were found on their admission to prison to be insane. Out of the remaining 20 per cent. the proportion of one-fifth would cover the number of cases of feeble-mindedness which had become worse in prison or which had been found to be more marked than had at first appeared.

As it is generally speaking minor offences for which feeble-minded prisoners are convicted, their stay in prison is usually short. It is unnecessary to form them into a special class. We have no prisons comparable in size to the large English prisons. Our largest prisons (Mountjoy Male, and Belfast Male) have a daily average population of under 400, and even in these the number of those who could properly be classed as feeble-minded would be small and variable. Any case requiring association is either placed in association or in hospital. Special treatment, including diet and exercise, can be ordered by the medical officer. Special employment can be assigned by the governor on the recommendation of the medical officer, and neither dietary punishment nor close confinement can be awarded without the previous sanction of the medical officer. Further, as employment in prisons is mostly of a simple character such as nearly every one can take a share in, the working in association with average-minded prisoners is distinctly healthy and more likely to educe and strengthen the torpid activities of their mind than segregation, whereby they would come to regard themselves as a select and privileged class.

This opinion, of course, does not militate against the utility of the "colony" training of feeble-minded children. Here the formative influence would be continuous for years, employment would be found suited to the various capacities, and they would be at the most critical periods of their lives protected from the struggles and temptations that would in the outer world be their pitfalls. Such colonies or institutions for mentally defective children could in this country be managed by religious bodies or county councils under the supervision of the Inspectors of Lunatic Asylums. The most hopeless of the inmates would gravitate into asylums, but some would develop sufficient stability to find a place in the world at large, while the remainder would lead a life not unhappy and not detrimental to the community.

Such an institution would not provide for the feeble-minded recidivist for whom short sentences of imprisonment occur at lessening intervals. If legislation should empower Courts of Justice to pronounce indeterminate sentences on habitual criminals, whose reformation admits

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of less than average hope, the place of detention which would suit these could also shelter—in a separate class, if need be—the criminal weak-minded. The principle of the Indeterminate Sentence is recognisable in the Inebriate Act of 1898, even though the maximum sentence in that Act is limited to three years. That principle is the imposition of a sentence much in excess of what would be imposed for the offence if the offender were to be sent to prison, in the hope that the habit which led to the committal of the offence might be eradicated, the progress of reformation being tested by graduated liberty in the institution and the tutelage of friends outside. The first of these privileges may begin at the end of eighteen months (half the longest sentence), and both are granted or withheld, not by any automatic rule, but by the hopefulness of the cases, carefully and individually considered. At Ennis, the only State inebriate reformatory in Ireland, the results so far have been encouraging. I append a paper read by the Chairman of the Irish Prisons Board at the International Penitentiary Congress held at Buda-Pesth last September on the working of this Inebriate Reformatory:—

INTERNATIONAL PENITENTIARY CONGRESS.

*Held at Buda-Pesth, September,* 1905.

PAPER BY MR. J. S. GIBBONS, C.B.,

*Chairman General Prisons Board of Ireland.*

Being a Report on Question I, Section III., in the Programme of the Congress, viz.:—

Quelle est dans les divers pays l'influence reconnue de l'alcoolisme sur la criminalité ?

A quels moyens spéciaux y a-t-il lieu de recourir à l'égard des condamnés en général pour combattre l'alcoolisme ?

(What, in different countries, is the recognised influence of alcoholism on crime ?

What are the best means of combating alcoholism in the case of convicted criminals ?)

The Inebriates Act, 1898, was passed to enable curative treatment in a reformatory to be substituted for imprisonment in certain cases of offences of drunkenness and drink-caused crime. By that Act new powers were given to judges and magistrates to commit the delinquent for cure to one or other of the institutions hereinafter described. The policy of this Act was based upon the recommendations of several Royal Commissions and on the advice of those whom either duty or philanthropy had brought into close relations with the criminal inebriate class. Experience had proved how unavailing fine or imprisonment is to effect any reformation in the habits of the confirmed drunkard. No prison system yet devised has effected any improvement in the drunkard committed for the usual seven days' or fourteen days' imprisonment.

There are few more familiar objects than the habitual drinker of city, town, and countryside, idle, dissolute, and quarrelsome when in drink, committed again and again to short terms of imprisonment, and forming the centre of disorder and evil example in every locality in which he resides. A large proportion of men of this class become heavy charges upon the rates as paupers, or ultimately, after a course of evil-doing, find their way into asylums as imbeciles or dangerous lunatics. The sober man's burden does not end with the support of these. He is taxed for the large police force which must be maintained to save the drunkard from himself, and the public from the drunkard. Police courts and public prosecutions follow in due course, together with their adjuncts, prisons and bridewells. Sixty per cent. of the crimes are committed in order to obtain drink, or the means of obtaining drink, or are done under the irresponsibility produced by excessive drinking. In this state of things counsel was taken of experts interested in the diminution of crime and drunkenness, with the result that the Inebriates Act, 1898, was passed for the United Kingdom. Two classes are affected by this Act, viz.:—(section 1) habitual drunkards guilty of indictable crimes committed by them under the influence of drink; (section 2) habitual drunkards committed four times within any one year of certain scheduled offences of drunkenness. The Inebriates Act gives jurisdiction to judges and magistrates to send persons to whom the Act applies to a reformatory instead of to a prison. It prescribes a course of treatment mild and generous in character, but sufficiently long to afford reasonable prospect of the inebriate's cure and reformation.

Two objects, it has been thought, will be effected by these means—one, to take the habitual drunkard away for a lengthened period from the locality in which he resides, and which he makes the centre of disorder and evil example; the other, the reformation of the habitual drunkard himself, by a curative course of treatment extending over an adequate period. Three years is the maximum period of detention. Experience has shown that very little can be effected in short periods of detention, such as one year or eighteen months.

Two distinct types of reformatory are provided for by the Act—(1) the State Inebriate Reformatory; and (2) the Certified Inebriate Reformatory. Habitual drunkards committed under section 1 may be sent either to the State Reformatory or to a Certified Reformatory the managers of which are willing to receive them. Habitual drunkards committed under section 2 must, in the first instance, be sent to a Certified Reformatory. The need for the classification and separation of drunkards rendered these two types of reformatory necessary. Drunkards more than other people range themselves into categories of the tractable and the intractable. The action of continuous drinking on the nervous system accounts for this. Ten per cent. of "cases" are irresponsive to kindness, and are quite unmanageable under rules and restrictions found to suffice for the amenable majority. The State Reformatory, with its stricter rules and slightly penal methods, is intended for these intractables. Experience has shown, contrary to expectation, that troublesome "cases" are more numerous among section 2 convictions than among those convicted under section 1; and although the former, as the Act stands, must go in the first instance to a Certified Inebriate Reformatory, they can, under other powers given in the Act (section 6 (*d*)), be quickly and readily transferred from one type of institution to the other. Thus a well-disposed and amenable "case" committed to a State Reformatory may be transferred to a Certified Reformatory the managers of which are willing to receive him. Similarly, a troublesome "case" in a Certified Reformatory may be removed to a State Reformatory, should the managers of the former find the more mild resources of their institution ineffective. Unruly "cases" in a Certified Reformatory are much benefited by the knowledge that they can be removed, if needful, to an institution of stricter discipline and more penal methods.

The State Inebriate Reformatory is a Government Institution, and in Ireland is under the control and management of the General Prisons Board; and the expenses are paid out of the moneys voted by Parliament.

Certified Inebriate Reformatories may be established by (1) county or borough councils, singly or by joint action; (2) philanthropic or religious bodies; (3) private persons. The founders of a certified reformatory must provide the ways and means, but a very substantial contribution is made by the Treasury out of money provided by Parliament. The grant amounts to 10*s.* 6*d.* per week per inmate committed under section 2; and 16*s.* per week per inmate committed under section 1, during the period of detention. It is expected that local bodies will make such additions to this grant as will enable reformatories to be started and successfully maintained. The work and labour of the inmate is also an item to be taken into account. After 1905 the grant will not be made unless a contribution of not less than 7*s.* per week for each inmate committed under section 2 is made by the local authority. Before a certificate is given to carry on a reformatory, certain conditions must be complied with. The situation of the building proposed to be used must be healthy, must be distant from large centres of population, must be adequately drained and ventilated, and must afford sufficient area for out-of-door employment and recreation. The building itself must conform to certain conditions as to dormitories and day-rooms, rooms for association and recreation, baths and infirmaries, kitchens and lavatories. The course of treatment is also subject to State regulation and control. Alcohol is to be strictly prohibited. Every means must be taken to restore muscular and nervous vigour, and to build up the inebriate's constitution. Habits of regular, healthy, and useful work must be cultivated. Moral and religious influences are to be employed, and means taken to help the inebriate to regain self-control, and to prepare him or her for a fresh start in life under favourable conditions.

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Having regard to the fact that the drinkers whom the Act had hoped to reach and reform are mainly of the "drunk and disorderly" class coming under Section 2, and that these can only be sent, in the first instance, as the law now stands, to a certified reformatory, the need of sufficiently equipped certified reformatories is obvious. No certified inebriate reformatory has so far been established in Ireland; but the matter is under consideration. Several certified inebriate reformatories have been established in England and Scotland.

The Irish Government have established and equipped a State Inebriate Reformatory at Ennis, in the County of Clare. It was opened on the 1st of June, 1899. It was formerly the Clare County Prison, and underwent several structural alterations before being opened as aReformatory for Criminal Inebriates. It stands upon four acres of land, and is situated in one of the most salubrious parts of Ireland. Each inmate has his own private room, heated by hot-water pipes in winter, and at all times thoroughly well ventilated. These little apartments are plainly and comfortably furnished—a spring bed, scrupulously clean linen and bedding; a strip of carpet by the bedside; a wash-stand; a table on which are placed books, together with, perhaps, a bowl of flowers collected on some country walks—these are not the least striking of its features. Then there are the common rooms and workshops; and outside a considerable garden, a little pleasure-ground with seats, and a much-used ball-alley. For wet days, magazines, newspapers, chess, dominoes, etc. are provided. A reformatory for females adjoins, and is alike in all particulars. The female inmates are under the care of a specially chosen Lady Superintendent, and a staff of assistant matrons; and the whole reformatory is under Mr. King, a zealous and energetic governor, deeply interested in the work of reform.

The treatment in the reformatory is mainly hygienic—viz., a good and plentiful dietary, a wholesome, regular life, the formation of industrious habits, the acquisition of a trade, plenty of fresh air, discipline, total abstinence, and the good influence of the staff and chaplains. The male inmates are employed at gardening, shoemaking, carpentering, chopping firewood, etc.; and the females at cooking, cleaning, washing, sewing, knitting, making uniforms for female officers of the Prisons Service, etc. Every inmate takes his "cure" seriously and hopefully, and much excellent work is being done. The usual course is this: when an inebriate is received at Ennis, the governor, without the least delay, puts himself in communication with the police of the district in which the inebriate is known. He requests, confidentially, the particulars of the previous history, manner of life, habits, and circumstances of the inebriate; and whether any member of his or her family took intoxicating liquor to excess, or any other matter known to them affecting the inebriate, of which it is desirable that the medical officer of the reformatory should be informed. This communication is made in the case of every inmate that comes to the reformatory. The reply is recorded, with particulars of the patient's physical and mental health, in a book called the Medical History Book, which the governor keeps in his own custody, and to which the medical officer, the inspector of the Prisons Board, and the governor alone have access. Thus, at the very beginning, a valuable guide to treatment is furnished. What may be regarded as the complement of this book is the "After-Treatment Book," in which are entered all the particulars which can be ascertained as to how a discharged inmate is doing, his surroundings, occupation, etc. This latter book is valuable in a double sense. Its compilation necessitates a sympathetic and helpful interest in the patient after discharge. When the record discloses a relapse, temporary or permanent, the cause must, if possible, be ascertained for entry, and the information thus derived is valuable in providing against the dangers likely to beset other patients on discharge.

Less than two years cannot be considered sufficiently long to secure hopeful results in any but exceptionally mild cases of inebriety. Every inmate whose sentence is sufficiently long passes through three stages of six months each. By industry and good conduct he can earn two marks a day; and 364 marks represents a stage, at which when earned he passes up to the next higher stage. Certain privileges are attached to each stage, including a gratuity at the rate of one penny per day for each day when full marks are earned, such gratuity being paid on discharge to the inmate himself or to some one on his behalf.

When in the second half of the second stage, the inebriate is allowed out of the reformatory for country walks under escort, and in the second half of the third stage he is allowed out on parole without an escort. When eighteen months have been completed, the inebriate passes into what is called the intermediate class. He is then due to be allowed to go home on licence. If his conduct in the third stage has been exemplary to the satisfaction of the governor and medical officer, and if there is good reason to believe that he will be a total abstainer while on licence, and that a proper guardian is willing to look after him, his case is submitted to the visiting committee. They may then authorise the governor to submit the inebriate's name to the General Prisons Board for the licence of the Chief Secretary for Ireland. The licence contains stringent conditions to secure the inebriate from the dangers of relapse during the first months of freedom, and every effort is made, through the agencies of ministers of religion, aid societies, friends, and the police, to help the inebriate to a safe and useful career. It will be seen, therefore, that it is only after eighteen months that an inmate of the reformatory can be discharged on licence. Before the completion of that period an inebriate may always petition the Lord-Lieutenant for his release, and every circumstance which may warrant the exercise of the clemency of the Crown is carefully considered. The cases must be very exceptional in which any good purpose can be served by granting the inebriate his release, just as the good influences of training and discipline are beginning to have effect. The earliest symptom of reformation is the strong desire of the inebriate for his discharge. He has begun to feel the beginnings of physical and moral health, and mistakes his good intentions for will-power to resist temptation. How illusory these feelings are many a falling away has proved. The new influences must be left to work for a considerable period if they are to have any permanency. As to the class of persons committed to Ennis Reformatory, I cannot do better than quote the words of Mr. King, the able and sympathetic governor of the reformatory. He says:—"Now, as regards the class of persons usually committed, I should like to say a few words in the shape of a plea for earlier committal and recommittal. We are now called upon for the first time to deal with persons who have been drunkards for many years—drunkards over whom there has been but the most transitory restraint, and that restraint of a penal nature. There have been a number of women committed here with previous convictions ranging from 60 to 333 times. I do not object to cases such as these being sent here, for even they should have a chance of reformation, and at least be prevented from doing harm to others; but let us also have some persons sent as soon as they become habituals and qualified for committal, and before such a history mar the chances of success."

It will be useful to note here a few cases typical of the rest, to show what degree of reformation has been achieved at Ennis State Inebriate Reformatory during the five years the Act has been in operation.

CASE 1.

A female. Aged thirty-six. Had been a prostitute and drinking to excess for several years.

*Sentence.*—Twelve months' detention. Released from Ennis Reformatory, July, 1901.

*Report after two years and eight months at liberty.*—". . . I am glad to be able to say that —— is going on right well. She has got married to a corporal in the army; and she is steady and correct in every way."

CASE 2.

A male. Aged forty-one. Had been an habitual drunkard for years, and of the loafing class. Did no work. Seven times in prison.

*Sentence.*—Eighteen months' detention at Ennis Reformatory.

*Report, one year and ten months after release.*—". . . is driving a car, and going on well. He occasionally takes a drink of porter, but never to excess."

CASE 3.

A male. Aged thirty-six. Ten convictions for drunkenness.

*Sentence.*—Two years' detention at Ennis Reformatory.

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*Report, one year and seven months after release.*—"I have made inquiries about ——. He gets a good many jobs from builders; and is keeping sober."

CASE 4.

A female. Aged thirty-nine. Had been a hopeless drunkard for a number of years. Married, and has a family; husband earning £3 a week.

*Sentence.*—One year and six months' detention at Ennis Reformatory.

*Report, eleven months after release.*—". . . is living with her husband and family at ——. Mr. —— states his wife has become temperate, and is going on well. He gives her the handling of some of his wages for housekeeping; and states she is much improved."

CASE 5.

A female. Aged fifty. Ten years addicted to drunken habits. Married. Pawned everything, and broke up home. Former convictions:—assault and ill-treating children.

*Sentence.*—Two years' detention at Ennis Reformatory.

*Report, ten months after release.*—". . . is with her husband and family at ——. Her statements in her letters are correct. She is good, and goes to mass every day. Her home is clean and comfortable; and she is living on very good terms with her husband and family."

The following are extracts from a letter from her, dated 25th March, 1904:—"I write you these few lines, hoping you are well. I am not taking any drink. I am very comfortable. I hope you will pray for me. My husband is well, and all the children."

CASE 6.

A male. Aged forty-five. Seventy-six times convicted of assault. A wanderer from place to place with a roulette table; invariably drunk or getting drunk.

*Sentence.*—Three years' detention at Ennis Reformatory

*Report, Ten Months after Release.*—" . . . was released on licence to the care of a guardian, June, 1903. The guardian reports thus:—"I am happy to inform you that—— is going on well, thank God. He is working every day, and not touching alcohol in any shape or form."

CASE 7.

A male. Had an insatiable thirst for drink. Twenty-three times convicted of drunkenness and assaults. Did no work. Was released on expiration of sentence in October, 1901. Employment found for him. Soon gave way to drink again. In cases such as this, recommittal to the Reformatory is recommended. Dr Braithwaite (Inspector of English Inebriate Reformatories), in his report for 1901, states that he has known many voluntary cases regain self-control after repeated terms of detention in retreats (with intermediate relapses), and he sees no reason to anticipate other than the same result following reformatory detention.

CASE 8.

A male. A gentleman of good family. He was separated from his wife on account of his intemperate habits. Ran through very considerable means.

Sentenced to Ennis Reformatory. Was released on licence in 1902. For three months he refrained from drink and eventually gave way to temptation. His licence was revoked. He is now doing the unexpired portion of his sentence. His case is not unhopeful.

CASE 9.

A male. A married man; has children. Once occupied a very important public position, which he lost through intemperance. His wife has separated from him on account of his intemperate habits. He is now undergoing a term of detention at Ennis Reformatory, and is doing well. He has begun once more to take a keen interest in life; is learning carpentry; and intends on his release to start life among new surroundings in Australia or Canada. This is a promising case.

Many other cases could be cited which place the benefits of the Ennis Reformatory treatment beyond question. On the whole, Ennis may claim a large percentage of permanent reformations—eighteen out of thirty-six—*i.e.* about 50 per cent. of those who have been discharged having gone on well since discharge; and when success has not been achieved, the causes of failure have been studied and noted. There are other benefits which must not be forgotten. The habitual drunkard is the cause of much evil and great misery to others. He is a public nuisance and a public scandal, and his removal for a lengthened period from his haunts is a public good. Homes which his conduct has perhaps broken up are, on the inebriate's removal into safe custody for a lengthened period, again established, which was impossible while the home-breaker was at large. There is a deplorably large number of men and women gradually giving way to drinking habits, impoverishing themselves and the helpless children dependent upon them. The fear and dread of the reformatory does, and will, appeal to these, and has stopped, and will stop, many on their downward course when nothing else will. So far, therefore, the Inebriates Act, 1898, has been an undoubted success, fully justifying the expectations of those who were instrumental in placing it on the Statute Book. It should be remembered that the medico-legal considerations which resulted in this wise and beneficial legislation are based upon the widest experience of those who have had to do with drink-caused crime.

It is a matter of much satisfaction that there has been no difficulty in maintaining discipline at the reformatory. If inmates misconduct themselves, they are removed from association at meals and recreation, and are placed in separate confinement. It is recognised by the members of the inebriate community themselves that this is in the interests of all.

Sixty-two inebriates were committed to Ennis State Inebriate Reformatory up to 31st December, 1903, viz.:—

| | | | | | | |
|---|---|---|---|---|---|---|
| In 1900, | 2 | males and | 5 | females. | Total, | 7 |
| In 1901, | 8 | „ „ | 17 | „ | „ | 25 |
| In 1902, | 3 | „ „ | 5 | „ | „ | 8 |
| In 1903, | 9 | „ „ | 13 | „ | „ | 22 |
| Total, | — | | — | | | — |
| | 22 | | 40 | | | 62 |

The numbers remaining in the reformatory on the 31st December, 1903, were:—

12 males and 19 females. Total, 31.

The return of results, *i.e.*, of permanent reformations given in the above paper may be here supplemented by a return furnished at a later date by the governor, who writes:—

"Since the opening of the reformatory, fifty inmates have been discharged on completion of their sentence or on licence. The careers of these have been carefully watched, and I am happy to be able to state that twenty-four, or forty-eight per cent. have been reported on as sober and well-conducted. It is well to note, as showing the permanency of the reformation, that some of these cases have been two and three years out of the reformatory.

In some other cases an improvement had been reported in the conduct of the discharged inebriates, but these, not being properly speaking reformations, have been counted as relapses.

Of the twenty-six relapses sixteen had undergone sentences short of the period necessary to allow of the inmate passing through the different stages of treatment. Many of these cases were, at the time of their discharge, beginning to show signs of reformation, and in my opinion, and that of the medical officer and chaplains, it is greatly to be regretted that they were not committed for longer terms, as they would then have a fair chance of returning to the world sober men and women."

I desire to add my concurrence with the view emphatically expressed by Sir Christopher Nixon that convicts of criminal habits who are still insane at the expiration of their sentence should not be sent to district asylums.

23000. (*Mr. Byrne.*) In giving us the particulars of the feeble-minded in your prisons whose numbers are somewhat less than we have been told is the case in English prisons, you use the word "feeble-minded" with a definition. Have you collected this information

yourself or has it been done through a number of different persons ?—Well, I have collected it myself, but I have had the advantage occasionally of conferring with others.

23001. Do all the other prison officers whom you have consulted apply the word in the same sense ?—I did not ask them definitely with regard to this, but it is a subject on which I have sometimes spoken to different medical officers in visiting prisons. But I did not institute definite inquiries with regard to this Commission.

23002. You would expect to find a considerable difference of standard ?—Well, considerable. It is such an elastic term.

23003. And some people think all prisoners are insane ? —We have a considerable number of lunatics passing through our hands from different prisons, most of them being insane when they were committed, some of them merely awaiting removal owing to being found insane at the time when they committed the crime.

23004. There are not many of the feeble-minded among the rural population who get into prison ?—We have only two or three large towns and the mere imbecile in the country escapes notice and escapes imprisonment. He is protected to a greater extent than he would be in a large population by his family. The family tie is very strong and the family would help him not to get into mischief.

23005. He is also protected by the indifference of the rural population to things that would be a scandal and offence in a town ?—No, not entirely. The standard of morality, generally speaking, is high in Ireland, and there is not an indifference.

23006. There are a considerable number of imbeciles and idiots in the population of Ireland ?—Well, in country workhouses, especially in the West of Ireland, the illegitimate children are chiefly the children of women who may be called feeble-minded.

23007. And that is what I meant to refer to as a scandal ? —Yes, there is a high standard, especially of sexual morality, throughout Ireland, and the high standard deters from offences.

23008. But it would make the offence of a person of feeble mind more glaring, and they would prosecute him and send him to prison ?—And it would help to deter him from committing it, and it would be looked upon as a shame and a scandal, and the man knows that, and though it happens sometimes, there is less of it than there would be otherwise.

23009. I suppose in your Irish prisons you have an enormous number of convictions with short sentences for small offences ?—A very large number.

23010. Has there been any important public utterance among the prison authorities in Ireland with regard to the utility or inutility of short sentences ?—Oh, yes; the Visiting Committee have drawn attention to it, and we have endorsed it in our report, *e.g.* short sentences for such matters as drunkenness.

23011. Do the Irish prison authorities practically agree with the statement made by the Chairman of the Irish Prisons Commission at the Buda-Pesth Congress last year that short sentences for these offences were always absolutely futile and sometimes positively injurious ?—We do.

23012. Have these conclusions, which I understand are universally accepted among you in Ireland, led to any formal proposals for a change in the law; have you drafted a bill ?—No formal proposals for a change have been made. It has been present to the mind of many that something of the kind ought to be done, that in the case of habitual criminals, in extreme cases, an indeterminate sentence would be desirable. But that is a long way off.

23013. Why is it a long way off if you are all unanimous ?—Because judges jealously guard the prerogative of saying what is the proper sentence to be inflicted and of gauging sentences.

23014. And if the judges inflict 230 consecutive sentences of seven days or a fortnight they must be right; is that the idea ?—I do not like to put it in that way.

23015. At any rate a good many people are of opinion that there should be something in the nature of indeterminate sentences ?—Yes; in the case of habitual criminals it would be very desirable.

23016. Which indeterminate sentence would you recommend—the mark system not exceeding two or three years during any portion of the currency of which you might be licensed, or an absolutely indeterminate sentence under which you would be liable to stay there all your life ?—Well, the indeterminate sentence that would commend itself most to us would be the indeterminate sentence for a long period and under which a licence might be granted by a special committee, say of the governors, chaplains, and doctors of the prisons, the Chairman of the Prisons Board, and with the consent of the Chief Secretary.

23017. Would such a system, if introduced, in your opinion require a modification of the existing system ?— It would require a new sort of institution less penal than the existing prison, with ampler facilities for training and prison industries.

23018. Would the prison authorities in Ireland be prepared to start this at once if the necessary change in the law was made ?—As soon as we got the necessary means from the Treasury.

23019. But that has been thought out ? And what modification of the prison service would you be disposed to recommend for this ?—An institution more like an asylum perhaps than a prison, with a large amount of land, as the Irish population is largely rural, for farm work, and greater facilities for technical training for trades requiring skill and employing men, than we have at present.

23020. A penal colony, in fact ?—A penal colony, with greater privileges, of course, for matters such as smoking and games, in the style of our inebriate reformatories in which games of different kinds, and association, and privileges are allowed.

23021. Speaking from your official experience, you yourself are not satisfied with the suitability of the existing system of punishment for its object ?—Punishment is only perhaps a subordinate object with us. Our chief object is reformation.

23022. Do you mean you would like it to be ?—Yes, we want reformation. The class of criminals for whom the indeterminate sentence would be desirable would be rather the irreformable criminals who are repeatedly in prison and whom we have lost all hope of reforming under ordinary circumstances.

23023. (*Mr. Chadwyck-Healey.*) You think they ought to be kept out of mischief and made to work ?—And made to work under happy conditions.

23024. So much as regards the punishment of prisoners; but as regards the conviction, what is your opinion of the sufficiency of the law in Ireland as regards the conviction and punishment of feeble-minded prisoners ? Do you think they are adequately protected by the existing law, or do you get people sent to your prisons who ought not to be punished at all because they are irresponsible ?—I think we occasionally get people sent to prison who ought not to be punished at all, but who ought perhaps to be sent to asylums.

23025. Whose insanity has not been discovered ?—Not been discovered.

23026. Do you get any persons who you cannot say are insane but who are of such retarded mental development that their responsibility ought to be regarded as imperfect ?—We get only a few of them.

23027. It is not a crying question ?—Not a crying question.

23028. (*Dr. Dunlop.*) I notice in your statement that you give a very glowing account of the results of the State asylum at Ennis ?—Yes; I can supplement that a little, because I have got a return which brings it up to the end of December last year. From this return I find that out of 63 inmates discharged 32 have turned out well and 31 have not turned out well, and that brings it up to 50 per cent. reformation.

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23029. That is a very much higher figure than we heard elsewhere ?—Yes ; and also the larger number is of women who are more difficult to reclaim.

23030. Have you been in any of the English reformatories ?—No.

23031. Have you any means of telling us whether the class of cases here is in any way different from what it is in England ?—I think we get as bad or worse cases in our reformatories, because we have not certified reformatories. We are only beginning a certified reformatory now. These statistics refer to cases from the State reformatory, and we have not the same class committed to a State reformatory as to a certified reformatory.

23032. They are all Section I. cases ?—All Section I. cases.

23033. What is the offence in most instances ?—Matters such as violent assault, cruelty to children, neglect of children, stealing to get drink. Those are the indictable offences.

23034. Do you think we may take it that cruelty and neglect towards children are the most frequent ?—Yes.

23035. And you are aware that that is the most hopeful class we have got in the English reformatories ? —I am not aware.

23036. But that might help to explain the brilliant result here ?—I think our results are largely due to the care they get from religious societies or clergymen or philanthropic people who keep in touch with them.

23037. The after-care ?—Yes.

23038. Do you think you would get the same results from the habitual "drunk and disorderly" or "drunk and incapable" ?—If we get long sentences we can get good results. With short sentences we are hopeless, but with sentences of two or three years we look for good results.

23039. Even with the old jail-bird who has been in prison two or three hundred times ?—That is not hopeful, but we would have a try at it.

23040. I notice a statement that the feeble-minded or weak-minded prisoners are dealt with in three different ways on discharge. One is to hand them over to their relations, one is to remove them to the workhouse, and the third is to report them to the police ?—Yes.

23041. Can you give us any information as to how these apply and the numbers thus dealt with ?—Well, I cannot quite answer that.

23042. Are they reported to the Prison Commission ?— Not necessarily. Anyone who is sent to the care of the police would be reported to the Commission, but cases in which they are handed over to friends would not be reported.

23043. Nor admission to the workhouse ?—Probably not.

23044. Are they bound to take imbeciles in the workhouse if they are handed over to the Board, or to the relieving officer ?—No, it is discretionary with the relieving officer to admit them, but he generally does. We have no authority to compel the relieving officer.

23045. They are not bound to give relief to a weak-minded or feeble-minded person ?—That is in the discretion of the relieving officer. He is bound to afford relief to a destitute person, but the destitute person is a matter for his discretion.

23046. Imbecility itself does not amount to grounds for relief ?—It probably would amount in this case, but it would not necessarily.

23047. Now in the prisons are you aware of cases of weak-minded persons coming back time after time ?— Yes, some do.

23048. You have some in your convict prison I dare say ?—We have two or three people who may be described as feeble-minded

23049. Paranoics ?—Yes.

23050. Most convict prisons contain some people who are called paranoics ; what would you do with those when the time has expired ?—If they are feeble-minded we communicate with the police.

23051. A class of convict always complaining that his food is poisoned, etc. ; are they handed over to the police at the end of their sentence or not ?—If they were likely to be of any danger to themselves or to the public the police would be informed if they are going to their neighbourhood so that they may supervise them.

23052. As a general rule they find their way back to the convict prison in two or three months ?—They are out on licence and then they might come back to us if their licence were forfeited within that period. We have a small class in convict prisons. We have only 240 male convicts all told in Ireland, and there are perhaps six of those who are half insane, and perhaps not more than two of these may be described as feeble-minded.

23053. Then tell me, are there criminal lunatics under your control ?—No ; they are in Dundrum Asylum.

23054. Not under the Prisons Board ?—Not under the Prisons Board.

23055. Do you transfer convicts from the prisons to Dundrum ?—Occasionally.

23056. (*Mr. Greene.*) Out of the daily average population of Mountjoy and Belfast Prisons which you state is under 400 ?—I mean under 400 in each male prison.

23057. What would be about the percentage of those who could be properly classed as feeble-minded ?—There might be two or three in each prison that could be properly classed as feeble-minded.

23058. You eliminate the lunatics who are certifiable and send them off to asylums ?—Yes, any certifiable lunatic is sent off to an asylum, or an idiot. We would not keep a pronounced idiot, unless there was some special reason for it.

23059. What would become of him ?—He would go to an asylum also.

23060. That is, immediately on his conviction ?—Yes.

23061. You would allow an idiot to be convicted ? How would an idiot come to be convicted ?—Well, sometimes magistrates in the country take the view that they will find out this man's state of mind better in prison where they have plenty of time to do it, and they will send him to prison and he will be well taken care of and if they like they will send him to an asylum.

23062. And you send them on ?—We send them on. They pass through our hands and we transmit them.

23063. So that the certifiable lunatics and these idiots are easily dealt with and those that remain are a very trifling percentage indeed ?—A very trifling percentage.

23064. And the question of feeble-mindedness is not a pressing one in Ireland ?—Not in Irish prisons.

23065. Is it talked of much outside Irish prisons ?— Well, indeed it is not, amongst us, a very burning question, but no doubt it would be very desirable to protect the female feeble-minded more than at present, and to extend the existing facilities for that purpose.

23066. Would you think there is any extension of the criminal law which might be with advantage adopted to protect them from assault ?—I think from what I have spoken of and heard and read, that it would be desirable to treat them all as girls under sixteen.

23067. To throw on the alleged culprit the *onus* of showing that he had reason to believe that the person was sane ; or would you make it an absolute prohibition so that whether he knew it or did not know it would be immaterial ?—Well I think I would rather have it absolate, but that could not be our work.

23068. Is there much of that class of offence committed in Ireland ?—I do not think so. I have seen it in workhouses, in the maternity wards of workhouses, but I should think there is less in Ireland than in the sister countries.

23069. The standard of purity is better maintained in Ireland ?—The standard of sexual purity is higher.

23070. Are there many people convicted of it coming into jail ?—Not any large proportion but of course some. Not very many would come in unless there was a violent assault or rape case.

23071. Under the Criminal Law Amendment Act in England there are a great number of persons convicted? —There are not many in Ireland.

23072. I want to ask you whether you think that any of the persons convicted of an offence of that kind and who underwent imprisonment were feeble-minded?—Well I do not think so. I think they are of average intelligence. We have a machinery more capable of dealing with persons of feeble mind, and a possibility of institutions in Ireland superior to what there is in England. We have more religious bodies.

23073. What class of institutions are those?—Well I do not know how far they actually exist, but I know that we have a great many religious bodies and communities in Ireland who could undertake such work.

23074. Do they maintain them for life in those places?—I do not know that they are actually existing, but they may be introduced. We are at present having a certified reformatory for inebriates started by a religious body. With so many religious communities as there are in Ireland there seems to be a possible machinery for the work.

23075. For taking care of feeble-minded people?—Yes.

23076. Without some State subvention?—With State help, and for training those who are capable of being trained.

23077. (*Chairman.*) Is there anything, Dr. Woodhouse, that you would like to add?—I do not think there is.

23078. (*Mr. Byrne.*) On the subject about which you have just been speaking, I suppose there are institutions for fallen women kept by the Sisters of the Good Shepherd and other Sisters all over Ireland?—Yes, all over Ireland a great deal of good work is done.

23079. Do any precise statistics exist of the work done?—Each institution has its own statistics. I am not aware of them.

23080. But still on the whole these institutions do a great deal of good work?—Yes; and many of those fallen women are feeble-minded, I know, as a governor of the Lock Hospital. I see a larger number of feeble-minded women in the Lock Hospital than in prison.

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23081. Would you say that children in Ireland need reformatory prisons?—No, because under the present law a child sent to a reformatory does not go to prison. It is sent direct to the reformatory. It used to be sent first to prison but not now. We have a class for juveniles in all our prisons where they are kept separate from adults, and for juveniles sentenced to a month and upwards there is a special part of Mountjoy set off where they are put.

23082. There is considerable talk in England at the present time about the desirability of appointing probation officers to all magistrate's courts for the purpose of looking after juvenile offenders, and—it has been suggested—discharged inebriates. Would you be in favour of that?—No. We do not require it in the same way, because we have to our hand an excellent body available for that purpose in the Irish Constabulary. They manage convicts with very considerable tact and I have never known a case where a convict has lost a situation by being observed.

23083. There is a difficulty I think with regard to women?—Yes.

23084. A very considerable difficulty?—Oh, some of them have perhaps been sentenced to death for the murder of an illegitimate child or something of that sort. We have very few female convicts, only thirteen.

23085. You have no necessity to recommend probation officers in Ireland?—No, the Prisoners' Aid Societies do good work for us in our large towns.

23086. Do they get plenty of money in Ireland, the Prisoners' Aid Societies?—Not as much as we should like. Still they do much good, especially by helping discharged prisoners to get employment.

R. G. DOWDALL, Esq., M.D., D.P.H., Resident Medical Officer of Mountjoy Prison, called; and examined.

23087. (*Chairman.*) You have been so good as to send us a statement of your evidence. Might we put it on the notes? Oh, with pleasure.

I am the resident medical officer of Mountjoy Prison, and previously held the office of assistant medical officer there. Immediately preceding the latter appointment I held the office of medical officer at Grangegorman Prison. My experience at Mounjoy extends over a period of eight years.

The prison is used for the reception of all male and female local prisoners convicted of offences in the city of Dublin.

Female prisoners also are received at Mountjoy from the following counties:—Carlow, Cavan, Kildare, Longford, Louth, Meath, Queen's, Westmeath, Wicklow, and Wexford. Where females are sentenced to terms of penal servitude, they are transferred to Mountjoy from all parts of Ireland. They represent but a very small number of the prison population.

During the year ended on the 31st December, 1905 the number of prisoners committed to Mountjoy prison was:—

| | |
|---|---|
| Males | 4,171 |
| Females | 4,730 |
| Making a total of | 8,901 |

Of this number sixteen males and four females were found to be mentally deficient and quite unfit for prison discipline.

The offences of which they were charged were as follows:—

MALES.

| | |
|---|---|
| Attempted suicide | 5 |
| Larceny | 2 |
| Threats | 1 |
| Loitering | 1 |
| Profane language | 1 |
| Indecent exposure | 1 |
| Drunk and disorderly | 16 |

FEMALES.

| | |
|---|---|
| Begging | 1 |
| Indecent behaviour | 1 |
| Larceny | 2 |

*R. G. Dowdall, Esq., M.D., D.P.H.*

5 May 1906.

Prisoners of feeble mind are either admitted to the hospital for treatment or kept under special observation in their class, and are under the special observation of officers day and night. They are placed on special diets where circumstances require it. They are also treated as patients rather than prisoners. The ordinary conditions of penal discipline are relaxed, and everything possible is done with the object of improving their mental and bodily state. Where the rules are transgressed, punishment is not inflicted.

They are, as far as possible, employed at work in the open air, at gardening and other suitable employment.

On the expiration of the sentence of feeble-minded prisoners, steps are taken to safeguard them, and one of the following courses is invariably adopted. (1) Where the relatives can be found they are notified of the impending discharge of the prisoner; that he or she is of weak mind, and that it will be necessary for them to appear at the prison, and take charge of the person about to be liberated; (2) or the person is transferred to the Union workhouse, accompanied by an officer who delivers to the master of the workhouse a letter describing the nature of the case, and pointing out that further medical treatment would be requisite.

In any case in which the practice at (1) or (2) is inapplicable, the police are notified of the time of the discharge of the person, with a view to his being subsequently kept under supervision.

I append a brief history of four prisoners of weak mind, three of whom are at present in custody at Mounjoy Prison.

(1) M. S.—Male, aged thirty-one years, unmarried, has never previously been in prison, and is now undergoing a sentence of one calendar month for loitering. He is disinclined to speak, but replies to questions put to him in a fairly intelligent manner, but with much hesitation.

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He stands with his eyes fixed on the ground, and smiles immoderately while answering simple questions.

He was arrested in the city of Dublin, but used to reside in the county Wexford. Both of his parents are alive, and he has three sisters. They are all healthy. He was at school for three or four years, but can neither read nor write, and he is unable to add or multiply simple figures. He used to earn his living as a labourer.

(2) M. K.—Female, age twenty-two years, sentenced to six weeks' imprisonment for indecent behaviour. She speaks in a very low voice, and dislikes anyone coming near her. She is very sulky and never smiles, and she can neither read nor write. This is her second offence. One of her parents (her mother) is alive. She was educated at a convent school, but does not know for how long nor at what age she left school. She forgets her own age. When at home she does washing. Her husband who was a labourer has deserted her, and she has one child, a girl two years of age.

(3) E. D.—Male, age forty-two years, unmarried, was for seven years in the Royal Artillery, and afterwards acted as a groom. He can read and write. He has been sentenced to two calendar months' imprisonment with hard labour for malicious damage of glass, and there are thirteen previous convictions against him, mostly for glass breaking. His father possessed land worth about £500 per annum. He had two brothers and one sister. One brother was a tutor, and the other a medical man. This propensity for glass breaking is not attributable to intoxication, but is attributed by the prisoner to the annoyance caused to him by his friends.

(4) M. E.—Female, aged fifty-one years, has been committed to prison on seventeen occasions, two of the sentences being for terms of penal servitude. The conviction in each one of these cases has been for larceny. The woman never drank to excess. Her two uncles (on father's side) were mentally affected, and were addicted to stealing. Her sister is not in her right mind, and is an inmate of an asylum. She always had a comfortable home until her husband died some three years ago. Two of her daughters have, on at least one occasion, been imprisoned for theft. The patient is very emotional, and trembles all over when addressed. She tells me she cannot resist the temptation to steal, and often wishes she was dead. She is employed altogether at needlework, which she does remarkably well, and appears to be quite satisfied and comfortable while in prison.

In two of the cases above referred to, Nos. (3) and (4), the conduct of the prisoners, and the manner in which they have performed their task, has been most satisfactory.

The work done by them contributes materially to their support.

In both cases the education received had been fairly good for persons of their class, and should, in the ordinary course, have enabled them to maintain themselves respectably and in comfort.

On more than one occasion, suitable employment has been obtained for each of these prisoners on previous discharges from prison; they appear, however, to lack the application necessary to enable them to work for their own support, where there is no control exercised over them. They consequently drift into prison time after time.

Owing to the very limited number of persons of weak intellect committed to Mountjoy Prison, but little difficulty has been experienced in dealing with them; and particular care and attention has been devoted to them by all the members of the staff.

23088. (*Dr. Dunlop.*) You have given us some figures as to the number of imbeciles in prison?—Yes.

23089. Do you include all cases in that or only the more extreme cases?—I included only those who are called feeble-minded; not idiots or imbeciles, but a degree above that.

23090. How many would you say they would amount to in all, not the extreme cases merely, but all the cases?—Well, I could hardly give you the number. Do you include insane or idiots?

23091. Those with congenital deficiency?—It would not be a very large number, I suppose; possibly double, but I could not give it to you with any degree of accuracy.

23092. What is the population of the prison of which you are in medical charge?—572 daily, that is including male and female and some thirteen convicts.

23093. And how many feeble-minded persons would be there on the average?—I have made it this year about twenty. I could not tell you for a lengthened period.

23094. But for one day?—You would find half a dozen.

23095. Then I notice that you dispose of them in three ways at the end of the sentence?—Yes.

23096. Which of them is the most usual?—The usual way is to notify to the relatives and they call and take care of them. Well, then, in case of illness they are transferred over to the workhouse with a letter to the master of the workhouse, and failing that the police are notified.

23097. You only send them to the workhouse in case of illness?—That is all.

23098. So that the regular habit is to merely notify the relatives?—Yes.

23099. Can you give me any percentage of what proportion of this class come back under the same sentence for another offence?—I think there are two or three cases which return frequently.

23100. Is there any possibility of getting these cases taken care of outside the prison at the present time?—Not that I am aware of.

23101. It is a very serious form of insanity?—Yes.

23102. They are lunatics for all practical purposes?—Yes, they are really.

23103. Now you are entitled to certify these people as lunatics?—No.

23104. Why not?—Well, there would be a difficulty. Not in such extreme cases as all that.

23105. What would be the difficulty?—Well they are really not lunatics. You could not specify any particular delusions or anything of that kind.

23106. It is not necessary to specify delusions in the certificates?—Well, it is well to put something in it.

23107. "Lunatic" includes idiots, and idiots do not have delusions. Is not that so in Ireland?—I suppose so, but the habit is to lock up these people and not to send them to an asylum. If I sent them to an asylum they would be kept for a short time and sent away again.

23108. Perhaps the reason that you do not send them is that they would not be kept?—Yes.

23109. Now if you had it in your power to certify these under some permanent form for detention at an asylum you would use that power?—Undoubtedly.

23110. Would that be a very valuable thing to have?—It would; but of course, where the number is so small it does not make much difference.

23111. Quite so; but the few cases that you get would be secured proper attention in that way?—Yes.

23112. (*Mr. Byrne.*) I should like to ask you the same question as I asked the previous witness: What do you think of the utility of the present system of short sentences?—I think they are perfectly useless.

23113. Do you think it is a crying evil?—A very great one indeed.

23114. You have thought of the indeterminate sentence?—Yes.

23115. It is the only direction of reform?—Yes.

23116. Which form of indeterminate sentence do you prefer—a sentence up to two years or three years, or one simply indeterminate?—I should not be inclined to think that an indeterminate sentence ought to be passed. The way I should like it would be a sentence for a lengthened period.

23117. Subject to probationary licence?—Subject to probationary licence.

23118. And would that, in your opinion, involve the establishment of a new type of institution or merely a modification of the present system?—I should think it would be possible to have it in connection with the present system.

23119. Would you have a penal colony?—Yes, I would have some arrangement of that kind.

23120. And you would not call it by the name of a prison?—Not by the name of a prison.

23121. And that would satisfy public opinion?—Yes.

23122. I wish to ask you a question with respect to the steps you take as an experienced official of a convict prison ?—Yes.

23123. In England, when a feeble-minded person is discharged from prison, in addition to the other steps taken, notice is also sent to the police with a view to supervision and with direct instructions that, if that person gets into trouble again, the magistrate before whom he is brought shall be provided with a copy of the prison medical service letter so that he shall know that the man is feeble-minded and not perfectly responsible or fit for prison discipline. Do they do that in Ireland ?—No, I do not know.

23124. Do you know that it is done privately or whether the police bring such matters before the Court ?—I do not think as a matter of fact that they are brought before the Court.

23125. If a man who has been known to be feeble-minded assaults the police he is just brought up as a criminal and tried in the ordinary way ?—In the ordinary way.

23126. Would you think it a good thing to have that system that I have mentioned introduced into Ireland ?—I should think it a good thing.

23127. What would the magistrates and judges do in Ireland if they had that before them, do you think ?—I should not be prepared to say.

23128. Would you be surprised to hear that in England they go on sentencing just the same ?—Very probably.

23129. Remember the procedure under Section I of the Inebriates Act, that a person is charged with an indictable offence practically in the same way as with drunkenness, and if an habitual drunkard he may be so charged; would you be in favour of a similar procedure being applied to a feeble-minded person not confined as a lunatic ?—I do not quite understand you.

23130. It is unsatisfactory that a feeble-minded person who has been in prison and who commits a breach of the criminal law should be brought before a Criminal Court which Court has no power to send him to prison again for anything but that breach of the criminal law. Would you allow the Court to have power to pronounce an indefinite sentence within limits ?—Undoubtedly. *R. G. Dowdall, Esq., M.D., D.P.H.* 5 May 1906.

23131. And the further question I asked was how you would bring it about that the Court should always have this matter before it. Would you allow such persons to be charged in the same way as inebriates ?—Yes, as showing that they are of weak mind, and that the crime was the outcome of the weak mind.

23132. And would you make it the duty of the police to bring these facts before the Court ?—Yes.

23133. (*Mr. Greene.*) Of those prisoners, the sixteen males and four females, that you found to be mentally deficient, did it appear to you, or have you any knowledge whether they were congenitally deficient, or whether it was due to some deterioration from other causes ?—Well, I could hardly form an opinion on that in these particular cases. They are middle-aged people, and it would be very difficult indeed to form an opinion. In both of the cases that I give here, they have had a fair education, and there is nothing to show that there is any congenital defect, and I should be inclined to think that it is more due to the lives led by them.

23134. But I suppose the extent of their mind was not such that it would be taken cognisance of by the Court that sent them to prison ?—No, I should not think it was considered by the Court at all at the time. The crime was simply dealt with.

23135. I think you were in the room when Dr. Matheson and Dr. Woodhouse gave evidence with respect to their strong opinion that more protection is necessary for women. Do you agree with that ?—Quite.

23136. Might I ask whether you think that that opinion would be generally shared ?—Oh, a general opinion I should think.

23137. (*Chairman.*) Is there anything that you would like to add ?—I do not think so.

23138. We are very much obliged to you.

JOHN FAGAN, Esq, F.R.C.S., Inspector of Reformatory and Industrial Schools, called; and Examined.

23139. (*Chairman.*) You have been inspector of industrial schools since 1897. Would you be so kind as to tell us whether you had connection with this work before that ?—No. *John Fagan Esq., F.R.C.S.* 5 May 1906.

23140. Or any official position ?—No.

23141. You have been so kind as to give us a statement of your evidence. Might we put it on the notes ?—Yes.

There are five reformatory and sixty-eight industrial schools in Ireland.

REFORMATORIES.

The first reformatory school established in Ireland was certified in 1858.

The principal Act governing reformatory schools in Ireland is the Irish Reformatory Schools Act, 1868. Under the provisions of this Act any person apparently under sixteen years of age convicted of any offence punishable with penal servitude or imprisonment may be sent to a reformatory. The provisions of this Act have been modified by the Reformatory Schools Act, 1893, the Reformatory Schools Act, 1899, and the Youthful Offenders Act, 1901. Under existing legislation the period of detention in a reformatory school must be not less than three, and not more than five years, and in no case must an offender be detained beyond the age of nineteen years. A child under the age of twelve years not previously convicted may not be committed to a reformatory school.

There were 559 inmates—520 boys and 39 girls—in reformatory schools at the end of the year 1905. In that year 164 boys and 7 girls were admitted into reformatory schools.

The government capitation grant for juveniles in reformatory schools is 6s. per week. Local authorities contribute at rates varying from 1s. 6d. to 3s. 6d. per head per week.

INDUSTRIAL SCHOOLS.

The first industrial schools established in Ireland were opened in 1869.

The principal Act governing industrial schools in this country is the Industrial Schools Act (Ireland), 1868. The provisions of this Act have been extended by subsequent enactments. The Acts at present in force provide for the admission into industrial schools of two classes of children:—

(1) Children under the age of twelve years charged with an offence punishable by imprisonment or a less punishment, who either have not been convicted of felony or, having been convicted of felony, were discharged or punished with whipping only.

(2) Children under the age of fourteen years coming within some one of the following descriptions:—

Found begging or receiving alms, whether actually or under the pretext of selling or offering for sale anything; or

Being in any street or public place for the purpose of begging or receiving alms, whether actually or under the pretext of selling or offering for sale anything; or

Found wandering, and not having any home; or

Found wandering, and not having any settled place of abode; or

Found wandering, and not having any proper guardianship; or

Found wandering, and not having any visible means of subsistence; or

Found destitute, and being an orphan; or

Found destitute, and having a surviving parent who is undergoing penal servitude or imprisonment; or

Frequenting the company of reputed thieves; or

Lodging, living, or residing with common or reputed prostitutes; or

Lodging, living, or residing in a house resided in or frequented by prostitutes for the purpose of prostitution; or

Frequenting the company of prostitutes; or

Being under the sole charge of a mother convicted for the second time of crime, and having no visible means of support or being without proper guardianship; or

Having offended a second time or subsequently after a previous conviction of a contravention of any bye-laws as to street trade made under the Employment of Children Act, 1903.

**Questions 23141 to 23150.**



*John Fagan, Esq., F.R.C.S.*

5 May 1906.

Since the passing of the Youthful Offenders Act, 1901, managers of industrial schools have power to exercise supervision over those discharged from their schools until they attain the age of eighteen years.

Excluding voluntary cases, there were 7,951 inmates—3,670 boys and 4,281 girls—in industrial schools at the end of 1905. In that year 1,294 children, of whom 652 were boys and 642 girls, were admitted into industrial schools. The Government capitation grant for children in industrial schools is 5s. per week. A capitation grant of from 1s. to 2s. 6d. per week is made by the local authorities.

Committals to industrial schools, with very few exceptions, are made at Petty Sessions Courts and at the police courts of the Dublin Metropolitan Police district. Any person may bring before a court an application for the committal of a child to an industrial school. Managers of schools may at their own discretion refuse to admit children committed to their schools. They may also apply for the discharge of children, who, after admission, are found to be unfit for industrial training, owing to mental or physical defects. When an application for the discharge of a child comes before me, I inquire into the case, and having fully considered it in all its bearings, I either recommend the Chief Secretary to discharge the child, or postpone taking any action until I have an interview with the manager. In not a few cases, where the latter course was adopted, I advised further detention, and in some cases this was attended with good results for the children. From returns prepared by managers of schools, it appears that at present the number of weak-minded inmates in reformatory schools is four, and the number in industrial schools sixty-six.

It is not to be wondered at that the number of such cases in industrial schools is so small. Those who are active in bringing children before magistrates for the purpose of having them committed to industrial schools know that managers will not receive defectives, and the magistrates, who are also aware of this fact, do not as a rule commit cases of this kind. Furthermore, should a defective be committed, on the medical attendant of the school certifying that the child is unfit for industrial training, the managers may refuse to receive the child without assigning any reason therefor.

The presence of weak-minded children in the schools, provided that their numbers are limited, and that their mental defects are not of too pronounced a type, is mutually beneficial. The dull and weak are stimulated by coming in contact with brighter and more alert children, and are benefited by being in daily touch with an active, well-regulated life.

I have sanctioned the removal to a reformatory of a few morally defective children. A few have been sent to lunatic asylums.

The question that gives the greatest concern to managers of schools is how to dispose of the weak-minded, when they arrive at the age at which they must be discharged from school. I have been consulted on this matter on occasions. If a child is an imbecile, there is no alternative but to send him to the workhouse. In the other cases the managers do their best to get the children into Homes where they believe their weakness will be understood, and special care will be bestowed upon them. The religious communities occasionally keep the mentally affected in their institutions, after their term of detention has expired, or send them to some other convent. It would be a great boon if there were some suitable institution to which these children might be sent when discharged from school.

A number of dull and some weak-minded children have passed through the industrial schools of this country who greatly benefited by the training they received in the schools. It is evident that children of this class, if left in their unhealthy surroundings, ill-treated and neglected, would eventually join the ranks of the feeble-minded, and become a burden on society. The training of those of them admitted into industrial schools rescues them from such a fate, and enables them to earn their own livelihood.

It occurs to me, having experience of the careful and successful way in which managers of reformatory and industrial schools deal generally with children, that some of these institutions might be made available as Homes for the feeble-minded, with separate accommodation for children and adults. This holds good more especially in the case of girls. There are three girls' schools under my supervision, which are admirably adapted for the training of this class. One of these institutions is in Limerick, where one community has under its charge an industrial school, a reformatory school, and a penitentiary. The second is at High Park, near Dublin, where a reformatory school and a penitentiary are under the management of one community. The third is in Cork. In this case an industrial school and penitentiary are under the management of one community.

23142. (*Mr. Byrne.*) I should like to ask you a question as to the utility of the industrial and reformatory schools system with respect to the feeble-minded. I see they are fairly rigidly excluded from the schools at present?—Yes.

23143. Is that because the admission body asks a question as a rule as to whether they are feeble-minded and the answer is "Yes"?—No, the reason is that managers are supposed not to receive those that are defective either mentally or physically as they are unfit for industrial training.

23144. And the police and magistrates know that?—Yes.

23145. Are there many rejected from the schools because of unfitness for industrial training or mental weakness?—Not many, because few are admitted. There is less than one per cent. of feeble-minded in the schools.

23146. Presumably a large number are brought up at the Courts who but for that restriction would be sentenced?—No; it is pretty well known that they will not be received, and those persons who are instrumental in bringing the cases forward pass over cases of the kind.

23147. What becomes of them, say, in Dublin; say there is a girl of school age who will not attend school and who runs about the streets and falls into precocious immorality as well as precocious crime, what becomes of her, since if she is sexually immoral to the extent of being an immoral imbecile, they would not allow her into the school; would the police allow her to run about the streets?—She might be committed to a reformatory or industrial school provided she came within the scope of the provisions of the reformatory or industrial schools Acts.

23148. And precocious vice, sexual vice even, is not a disqualification for industrial schools in Ireland?—It is not a disqualification.

23149. It is not a disqualification?—It is not a disqualification for reformatory or industrial schools, but to be committed they must possess the qualifications required by the Reformatory or Industrial Schools Acts. They can only be committed on the grounds prescribed by these Acts. If you wish I can let you have particulars of a very interesting case which I followed up. Perhaps it might not be well to mention the names.

23150. (*Chairman.*) Put initials if you like?—This is a case of a girl from F., who was committed on the 17th of January, 1898, to a reformatory school for the larceny of a halfpenny. It was simply that she was induced more or less to commit this larceny, it was condoned as it were, and she was charged on the ground of larceny and committed for four years to the reformatory. And this is the report that the district inspector of the constabulary got of her case:—

> "I have to report that the family circumstances in this case are good, the surroundings respectable, but owing to the disposition of B.O., I consider it would be a standing danger to the youth of F. if she were at large. The girl is afflicted with a form of nymphomania, and quite recently a man received eighteen months and a boy four months for having connection with her. Undoubtedly several other similar cases by the town lads took place, but those two were the only ones we were enabled to bring forward. Corroboration of my statement can be obtained from doctors and ——of F."

Well, that girl was discharged on the 16th of January, 1902. I wrote to the manager for the history of the girl, and this is the reply I got:

> "I am happy to send you the attached letter from the solicitor who was instrumental in getting the girl committed."
>
> "In reply to your inquiry I am pleased to be able to report that B.O. is giving satisfaction since she returned from your institution. From a moral point of view she is entirely changed in her propen-

sity to do wrong, and has caused no trouble. Prior to her committal she was a positive danger to the youth of the town, and had gone beyond the control of her parents. This is all changed. She now assists her mother in household work. She passes my office on the way to the creamery at this end of the town and in that way comes under my personal observation. I have also made inquiries from the residents in the immediate neighbourhood as well as from the Constable G., who has known her for the last dozen years, and all speak highly of the great change in the girl. Her mind is a little weak, inclined to be simple, and were it not for this infirmity the girl would be in service

The constable says:—

"I beg to say that B.O. is residing with her parents in Prince's Street, F., since her discharge in 1902, and is going on well, but appears not to be quite right in her mind, and in consequence is unable to fill any situation."

23151. (*Mr. Byrne.*) How old was that girl when she went to the reformatory?—Fourteen and some months.

23152. That is an illustration of the use of the reformatory school system?—Quite so. You see that that child could not have been committed to the reformatory on the ground of her misconduct.

23153. And you had to make a bogus crime?—I presume so.

23154. From the number of feeble-minded persons who are living in their homes in Ireland it is clear that there must be a good many of that sort in existence?—Yes.

23155. Are there a good many in the schools?—Of simple-minded children?

23156. Yes, who are bound to go wrong sexually unless under supervision?—There are some, not very many. You will see by the returns I propose to lay before you that the number of feeble-minded children of every description in the schools is not large. After getting your notice I sent out this circular directed to the manager of each industrial school:

Office of Inspector of Reformatory and Industrial Schools,
Dublin Castle.

MANAGER,

*Industrial School.*

Please state in the margin:—

(i.) The number of children at present in the school whom you consider mentally deficient or feeble-minded.

(ii.) The number of such cases which were discharged from the school during the last ten years.

(iii.) State generally how such children have been disposed of, and, as far as you can, state how they have turned out in after life.

(iv.) Also state whether you consider such children have benefited by the training they received.

(v.) Give any views you have as to the treatment and disposal of such children

I will read one of the replies I got in answer to the circular. It is from the manager of a male school in which there are 411 boys. The number of feeble-minded children in the school is two and the number discharged during the past ten years one. The manager says: "He returned to his mother and is at present employed in a mill and doing fairly well. Period of detention for boy discharged too short to enable him to receive any benefit from training. The two boys at present in school are much brighter and more intelligent than they were when admitted. I think that mixing with other children who are free from mental defects has a decided advantage for children who are only mentally deficient, as it tends to sharpen their intellect. Feeble-minded children who are practically idiots require much more personal supervision than would be possible in a large school. I believe Cottage Homes would be the most beneficial for them, and that they should be in a country district." I can let you have the statements by the managers of all the schools and reformatories in answer to these questions. They are very interesting.

23157. (*Mr. Byrne.*) That would be very valuable.

23158. (*The Chairman.*) We are very much obliged.*

23159. (*Mr. Byrne.*) What is your personal opinion as to the effect on the discipline and general march of the school of the presence of a few feeble-minded children?—I think a few feeble-minded children are a benefit for both, both for the others and for themselves; for the others it generates a kindly disposition towards children afflicted as they are, and I have noticed it in the schools, and it is also the opinion of all the managers; and the children themselves benefit very much by coming in contact with other sharper and smarter children.

23160. That is opposed to the opinion prevalent in a great many schools in England where they get that bribe of 8s. a week. And do you think that the Treasury are acting wisely in England in paying them?—Well, I should say that a certain percentage is beneficial, but you must not have too many of that class. The presence of one or two in a school, I believe, not alone does no harm, but it does good to both. I am perfectly satisfied on that point.

23161. Is it a financial matter in Ireland at all—are the reformatory schools and the industrial schools ranked in the line of schools that require to work hard to make their way?—No; I think they are fairly well paid here. The grants from the Government and the local bodies meet all their requirements.

23162. Have you come to the conclusion that there are many people in Ireland who are so lacking in self-control, in working power, and in general business aptitude that they are bound to come to grief and be a burden on the community?—Yes, I have. I obtained from the manager of a reformatory school, under whose management is also a penitentiary for the unfortunate class of women, her views on the subject of dealing with this class. She quite approves that the class in question should be kept under restraint for an indeterminate period. In answer to my question whether she would be prepared to take the care of children when they came up to the age of sixteen years, when they were bound to be discharged from the school, she said she would be willing on reasonable terms to provide for and look after a certain number who were not lunatics, epileptics, or idiots, and who only required careful supervision.

23163. And do you share that opinion yourself?—I do.

23164. You go so far as to think that the extension of the industrial and reformatory school system would be at least one very good way of dealing with this difficulty?—Yes, for a certain class of the feeble-minded that would not require much restraint.

23165. Do you think it is the best way?—Well, in this country I should say so. In connection with these schools they could utilise the existing accommodation or erect cottages or such additional buildings as would be considered suitable, provided they were given the power of supervising the cases entrusted to their charge for an indeterminate period. Should any of the cases under their care pass into the category of lunatics, epileptics, idiots or objectionable imbeciles there should be provision to transfer them to an Institution provided for the treatment of such cases. The services of those remaining could be utilised and their lives made happy in the institution while those of them who improve by the treatment and training may be allowed out on licence to the care of respectable trustworthy people. In this way the cost of maintenance would be lessened.

* *Vide* p. 143 *infra.*

**Questions 23166 to 23208.**



*John Fagan, Esq., F.R.C.S.*

5 May 1906.

23166. Would it, in your opinion, be economical?—I should think so.

23167. At least as economical as any other system?—I think so, and certainly more efficient.

23168. It would meet any popular objection as regards the liberty of the subject. I suppose you would have them committed?—Yes.

23169. And inspected?—Yes, closely inspected.

23170. You would have their lives regulated, so to speak, and you would have a committee and visitors and so on?—I think inspection by a responsible official sufficient.

23171. And all these things would immediately follow from its being grafted on to the reformatory school?—Yes, to such reformatory and industrial schools as were willing to receive them.

23172. And that is the ground on which you recommend it?—Yes.

23173. Would you admit to this old reformatory school, if I may so call it, both those who have been in the reformatory school, and suitable children who have never been in that school, but are picked up by the school?—Yes, to those schools which could provide suitable accommodation and the managers of which were willing to receive them

23174. Do you think it would be either necessary or desirable to have one State reformatory of that sort?—Not for the feeble-minded, but I think there should be one for idiots, imbeciles, and epileptics, into which all such cases could be drafted. The feeble-minded could be dealt with in those reformatory institutions in connection with existing schools to which I have alluded.

23175. You would have some very unpleasant people in those schools, would you not?—Possibly.

23176. Those who were rapidly degenerating and who would probably get into a condition in which they would interfere with the school and the school would ask you to take them away?—Yes, in such cases I should recommend them to be transferred to the special institution referred to.

23177. And you might have moral enormities with which the school could hardly cope?—Yes, very marked cases of this kind should also be transferred.

23178. Some things with which the managers of an ordinary school would feel themselves incapable of coping?—Yes, such cases should be transferred to this institution already mentioned or to the Poor Law Unions where special accommodation should be provided for this class. At the present time it occasionally happens that children of this class are sent from industrial schools to reformatories and sometimes to the Poor Law Unions.

23179. Of course, in the absence of such a place as that, a number are taken in the poor-houses, are they not?—Yes.

23180. Do you think as a temporary measure that the poor-houses, should have power to detain them?—I think so.

23181. And would it be your idea that if those permanent institutions were established they should aim at preparing men and women?—Yes, they should train those committed to them. After a course of training they might, if considered safe, return to their parents or be sent out to work with reliable trustworthy persons,

23182. Would you describe it, then, as a very elastic system?—Yes, a very elastic system.

23183. You think it would work well for that reason?—Yes.

23184. (*Dr. Dunlop.*) There is a word that I have some difficulty in interpreting—"penitentiary." What sort of an institution is that?—It is one for fallen women.

23185. Is it a prison?—No.

23186. It is a house of refuge?—Yes, a house of refuge.

23187. Because penitentiary generally means a prison? Here it is used in the sense I have mentioned.

23188. Your advice is this, that your congenitally defective should be divided into two classes?—Yes.

23189. The feeble-minded in reformatory schools and the imbeciles in asylums?—Yes, imbeciles meaning those bordering on idiocy.

23190. Two different classes of people?—Yes.

23191. One philanthropic and the other State?—Yes but in the case of the philanthropic there should be also State and local aid.

23192. Do you think you are able, or that anyone else is able, to separate the defective into two classes?—When you get to the boundary line I suppose you will have differences of opinion. It is hard to distinguish between them, the shades are so very indistinct.

23193. In fact the two classes are practically indistinguishable?—They merge into one another.

23194. And the amount of overlapping might be enormous?—There might be overlapping.

23195. Do you think it is good policy to divide one class by such artificial means by putting them under two different authorities that might be supported from two different sources?—I think it would be very much to the advantage of the feeble-minded, using the word "feeble-minded" in the ordinary sense as meaning people that we call "not all there."

23196. That is the imbecile?—I associate with the term "imbecile" rather the grave and worst case of the feeble-minded.

23197. Is not that the idiot?—Yes, bordering on idiocy.

23198. But the point I want to put is that there is no distinction between the two classes?—The dividing line must be an arbitrary one.

23199. Do you think it is good policy to make any distinction between them and to put them under entirely different authorities and supported by different money and very probably on different lines?—Yes, more especially for the well marked cases in both classes. I consider it would be a hardship to allow the feeble-minded to associate with the other class consisting of the depraved imbecile, the epileptic, and the idiot. This class is hopeless. In the other class there are possibilities of improvement to the extent that they may be able to earn their own livelihood. For those who are not distinctly feeble-minded it is a hardship to be put in the other class, and a great many of those could be licensed out and the State and the local bodies be relieved of supporting them.

23200. Now you have a fairly wide knowledge of the children of Ireland?—I have about 8,000 children under my observation.

23201. You have heard a witness to-day say that 480 was a fair estimate of the number of feeble-minded and imbecile children in the country generally?—I think there must be some mistake there.

23202. (*Mr. Greene.*) You have presented us with a very interesting narrative of a feeble-minded young woman who had lapsed into immorality, and it is suggested to me to ask you a question which I have asked each of the other witnesses. Do you think it would be advisable to extend the protection given by the Criminal Law Amendment Act to feeble-minded women so as to make it punishable for any person to attempt carnal knowledge of them whether the accused knew or did not know of the feeble-mindedness of the victim?—Yes, I think so.

23203 In the case you have given to us this person was evidently sought after and abused by a great number of people?—Yes.

23204. And there would be no way of stopping that possibility unless there was some extension of the law?—No.

23205. And therefore this unhappy woman would have been saved a great deal of that degradation if the law had been so amended?—Yes.

23206. And would you accept the theory that there should be an absolute prohibition?—Yes.

23207. That any person attempting to have such illicit connection should run his own risk?—Yes.

23208. (*Mr. Byrne.*) Have you anything in your reports of recent years referring to this subject?—No; such cases are very few. In the Convent Industrial Schools many of these cases are taken charge of by the community, some remain until they are up to 30 and 40 years of age, and some are sent to other convents where they are suitably employed.

REPLIES TO CIRCULAR SENT BY WITNESS TO MANAGERS OF REFORMATORY AND INDUSTRIAL SCHOOLS.

(*Vide Q. 23156.*)

*John Fagan, Esq., F.R.C.S.*

5 May 1906.

MALE INDUSTRIAL SCHOOLS.

| | Number of Inmates in School | Number of Feeble-minded Children in School. | Number of Feeble-minded discharged during past 10 years. | Disposal of those discharged during past 10 years. | Remarks on the effect of the training received by Feeble-minded Chi'dren. | Views of Managers as to the treatment and disposal of the Feeble-minded. |
|---|---|---|---|---|---|---|
| 1 | 411 | 2 | 1 | He returned to his mother and is at present employed in a mill and doing fairly well. | Period of detention for boy discharged too short to enable him to receive any benefit from training.<br>The two boys at present in school are much brighter and more intelligent than they were when admitted. | I think that mixing with other children who are free from mental defects has a decided advantage for children who are only mentally deficient as it tends to sharpen their intellect. Feeble-minded children who are practically idiots require much more personal supervision than would be possible in a large school. I believe cottage homes would be the most beneficial for them and that they should be in a country district. |
| 2 | 161 | 1 | — | — | — | |
| 3 | 200 | 2 | 5 | Two to service on farms. Three to friends. Of four I have heard favourable reports as farm servants. | They benefited from the training. | Such children are not likely to succeed at trades, whilst they may become useful as farm servants.<br>I would have them trained to such agricultural operations as would be suited to their mental and physical powers, and on discharge would send them to farmers, or return them to respectable friends in a position to provide them with suitable employment. |
| 4 | 58 | — | 2 | One was transferred from this school which is for junior boys to a senior boys' school. The second boy was discharged by order of the Chief Secretary and sent back to his father. This boy in addition to being deficient in mental capacity was excessively scrofulous. | One boy, when first admitted, had most vicious tendencies, and if not carefully watched would select the smallest and weakest children as the objects of his cruelty. By much careful training and constant advice he became gradually a kind and amicable companion, but all efforts to teach him to read and write were useless.<br>A second boy who was under the care of the Sister Infirmarian the greater part of his time, benefited a little during his stay in school. | That an Institute be established for such children where they would receive individual attention and the vigilance of proper guardians, which would prevent in a great measure much of the evil caused by their being allowed unrestrained liberty to their evil propensities, which is often the case when such children are discharged to relatives or friends. |
| 5 | 152 | 1 | 1 | — | These boys have benefited to a certain extent. | I consider such boys are improved by mixing with boys of strong mind, whilst their presence in a school where boys of healthy intellects are detained interferes with the general efficiency of such schools. |
| 6 | 206 | 1 | — | — | I consider this class of children totally unfit for Industrial Schools or industrial training. | There should be a separate Institution for the treatment of children mentally deficient or they should be sent to the Poor Law Unions. |

MALE INDUSTRIAL SCHOOLS—*cont.*

*John Fagan, Esq., F.R.C.S.*

5 May 1906.

| | Number of Inmates in School. | Number of Feeble-minded Children in School. | Number of Feeble-minded discharged during past 10 years. | Disposal of those discharged during past 10 years. | Remarks on the effect of the training received by Feeble-minded Children. | Views of Managers as to the treatment and disposal of the Feeble-minded. |
|---|---|---|---|---|---|---|
| 7 | 96 | 2 | 1 | The boy discharged is in the county workhouse. | This boy certainly was incapable of deriving any benefit from the training of the school, but his was an extreme case. | It is doubtful whether such children should be committed to Industrial Schools at all. They become eventually the objects of the ridicule and contempt of the school, and when they go out into the world they are subjected to coarse treatment and finally drift to the workhouse or go to swell the ranks of our country beggars.<br>Then there is the danger of marriage and begetting children who exhibit in an intensified form the weakness of the parents.<br>Such boys become industrious farm labourers, and this inclines me to the belief that they should be detained during life in Institutions and employed at garden or farm labour under kindly supervision. |
| 8 | 804 | 3 | 8 | Three went to employment. One is in an asylum. One in a Reformatory. One went to friends, and two died. | Three of the eight profited somewhat by the school, five derived only a minimum profit. | Boys who show defectiveness soon after admission should be medically examined, and if seriously affected discharged to their friends or to their respective Unions. |
| 9 | 152 | — | 1 | Discharged by order of the Chief Secretary after being in school three months. He was sent to the workhouse. | — | |
| 10 | 136 | — | 2 | The two discharged are brothers and are in the Stewart Institution, Chapelizod, where they are doing well | They benefited. | I consider such cases should be under special supervision while in school, and, where possible, as soon as the opportunity permits, they should be transferred to an Institution similar to the Stewart Institution, Chapelizod. |
| 11 | 156 | 1 | — | — | The boy at present in school has derived very little benefit. | They are unfit for industrial training. They should be in some Home or hospital. |
| 12 | 102 | 2 | — | — | — | I intend to apply later on for the discharge of the two boys at present in school. |
| 13 | 179 | — | 1 | Returned to his mother. | It was found that the boy after eight months in school was incapable of being trained. | |

MALE INDUSTRIAL SCHOOLS—*cont.*



| | Number of Inmates in School. | Number of Feeble-minded Children in school. | Number of Feeble-minded discharged during past 10 years. | Disposal of those discharged during past 10 years. | Remarks on the effect of the training received by Feeble-minded Children. | Views of Managers as to the treatment and disposal of the Feeble-minded. |
|---|---|---|---|---|---|---|
| 14 | 171 | — | — | — | — | The ordinary Industrial School is not, in my opinion, a suitable place for such children.<br>I would suggest that they be placed in a separate institution in which their training would receive exclusive attention and special treatment. |
| 15 | 115 | — | 2 | Sent to the workhouse. | These two boys were not capable of being trained. | — |
| 16 | 147 | 2 | 1 | Placed with a farmer and has given satisfaction to his master by making himself generally useful. | I consider they derive benefit from their training, but not sufficient to justify expense and trouble entailed. | Nobody will employ feeble-minded boys but farmers, and they only to use them as creamery messengers. |
| 17 | 54 | 1 | — | — | — | Individual interest should be taken in such children. They improve and develop under kind treatment. If they could be licensed to a trustworthy person it would be more to their advantage than to be placed in an Institution. |

**Question 23208.**



*John Fagan, Esq., F.R.C.S.*

5 May 1906.

FEMALE INDUSTRIAL SCHOOLS.

| | Number of Inmates in School. | Number of Feeble-minded Children in School. | Number of Feeble-minded discharged during past 10 years. | Disposal of those discharged during past ten years. | Remarks on the effect of the training received by Feeble-minded Children. | Views of Managers as to the treatment and disposal of the Feeble-minded. |
|---|---|---|---|---|---|---|
| 1 | 166 | 4 | 6 | One returned to friends. The remainder were sent to service. Those in service are continually changing situations and are occasionally in the Union. | Undoubtedly they have been improved by the training, though incapable of benefiting as much as others. | A Home in Ireland, such as Dr. Banardo has in England, for feeble-minded girls, would be a boon to this country. There they might be taught some one kind of work which they could do, and be under protection, which they badly need all the time. One of the cases at present in the Home is quite incapable of being sent to service, and in the absence of any other place we shall have to send her to the Union when her term expires. |
| 2 | 93 | | 1 | Retained in school till a suitable place offered. Since then she has developed symptoms of epilepsy. | Incapable of literary work of any kind, but was capable of being taught domestic work. | I consider that feeble-minded children benefit much by being trained to domestic work in industrial schools. |
| 3 | 125 | 2 | 5 | Two are assisting in the school laundry. Two went to Good Shepherd Home. One unaccounted for. | The training they received made them fairly competent in laundry work and thereby enabled them to earn a livelihood. | It would be well to have them taught one branch of domestic economy—whatever they have aptitude for, and then to send them to a Home or Institution where they would be employed according to their capabilities. |
| 4 | 122 | — | 2 | One in Larne Workhouse where she is employed washing. One is supported by the Committee of the school in a comfortable Home in the country. She can help with light work. | | |
| 5 | 54 | 1 | 5 | Sent to domestic service in country places to people we knew would be kind to them. One is dead. Three are doing well and one unknown. | Such children have benefited by the training, especially the industrial training. | These children, I think, should be treated very kindly, and made to cultivate a love of work. We find they do better in country places than in large towns. |
| 6 | 120 | 1 | 1 | Sent to Auxiliary Asylum, Youghal. Last report from Asylum stated the child was improving. | The manager considers the school training very beneficial for these children except in the case of real idiots. | The manager thinks if these children were placed in a school where they could receive special training, they might so far improve as to be able to help a little towards their own support. For real idiots the manager would recommend their being sent to an asylum for such cases. |

FEMALE INDUSTRIAL SCHOOLS—*cont.*



| | Number of Inmates in Schools. | Number of Feeble-minded Children in Schools. | Number of Feeble-minded discharged during past 10 years. | Disposal of those discharged during past 10 years. | Remarks on the effect of the training received by Feeble-minded Children. | Views of Managers as to the treatment and disposal of the Feeble-minded. |
|---|---|---|---|---|---|---|
| 7 | 118 | 2 | 3 | One returned to friends and is doing fairly well. One is employed in the Convent as kitchen maid. She has not been very satisfactory. The third girl, who returned to friends, is now in a lunatic asylum. | We think that these children have benefited by the training they received. | Some of these children, as they advance in years, develop a taste for manual work. So we consider it would be useful to cultivate this taste by devoting most of their training to work for which they show an aptitude. |
| 8 | 176 | — | 2 | Discharged by order of the Chief Secretary to the Union Hospital. | These children have not benefited by their time in the school. | I consider such children should be treated in Institutions specially organised for them. |
| 9 | 85 | — | 1 | Was engaged in the Convent for some time, and was then sent to a respectable person to assist in household work. She is paid a small salary and is doing well. | She benefited by the training she received. | When kindly treated and not overworked they can be made useful. They should be given only to a reliable person in the neighbourhood of the school. |
| 10 | 149 | 1 | 7 | Four sent to service—three doing well. One does not keep her situation. Three returned to friends. | These children have certainly been benefited by school training. | Though dull and deficient in intelligence, I consider it most desirable that such cases should receive what training and instruction they are capable of, and get such a start in life as may enable them to earn an honest living. |
| 11 | 70 | 6 | 2 | Sent to take humble situations and earn a decent livelihood. | Had these children not been trained under discipline they would certainly have been vicious and useless. | Strict discipline, tidiness, punctuality, kindly, firmly, and perseveringly enforced have wonderful effects in these cases. A safe home with humble people can be nearly always procured. |
| 12 | 142 | 9 | 23 | Twelve went to situations. Eleven returned to friends. Nine have turned out fairly well. | The average have benefited in a slight degree. | That such children should be given a separate and special system of training chiefly through (1) Object Lessons, (2) Oral Instruction, (3) Physical Drill. If this cannot be given, these children should be returned to their Unions as I consider that they harm those children with whom they associate by lowering their mental standard. |
| 13 | 80 | 3 | 4 | Three returned to friends. One went to a situation, which she still holds. | Such children are benefited by the training, as they learn how to do manual work. | These children should be treated kindly but firmly and should only be given to good trustworthy people. |

FEMALE INDUSTRIAL SCHOOLS—*cont.*

| | Number of Inmates in School. | Number of Feeble-minded Children in School. | Number of Feeble-minded discharged during past 10 years. | Disposal of those discharged during past 10 years. | Remarks on the effect of the training received by Feeble-minded Children. | Views of Managers as to the treatment and disposal of the Feeble-minded. |
|---|---|---|---|---|---|---|
| 14 | 53 | 1 | — | — | The child at present in school is incapable of being taught. | The manager thinks it would be a good thing if there were special Institutions for such children. |
| 15 | 53 | — | — | — | — | Our experience among the poor is that there are girls very weak in intellect who are capable of being trained to rough house work and laundry work, etc., and of thus becoming able to earn an honest living for themselves and escape an idle life in a workhouse ward or perhaps worse. |
| 16 | 34 | — | 1 | Returned to friends. | I consider such children much improved by the training they receive | — |
| 17 | 81 | — | 1 | Living with her mother, doing well. | The training is beneficial. | — |
| 18 | 74 | — | 1 | Discharged by Order of Chief Secretary, was committed to a Lunatic Asylum. She is now with her mother. | They do not benefit by the training. | I think such children ought not to be committed for industrial training at all. |
| 19 | 103 | 1 | 3 | One was sent to imbecile ward in workhouse. Two went to service but had to be sent to Homes for safety as they were incapable of minding themselves. | They benefit, for all are found useful for manual work in their respective places—in washing, scrubbing, etc. | That there should be some institution to receive such children as they are incapable of receiving industrial training, which would enable them to earn a livelihood outside. |
| 20 | 77 | 1 | 2 | One died in hospital, one, a very bad case, is doing well helping in kitchen and laundry of a convent. | | If a school were set apart for girls not fit to leave at sixteen years of age it would be a blessing. Besides those of weak intellect there are girls whose levity of character renders them unfit for service at that age; a few additional years of careful supervision and plenty of employment would make them excellent servants. |
| 21 | 111 | 2 | 5 | They are all employed and doing very well earning fair wages. | Without the training they received they could not do what they are now doing, earning their living. | Our experience of such cases makes us think that such children do best and are happiest among senior children who are steady, gentle, and well mannered; they look up to these, try to imitate them, and in time acquire cleanly and regular habits, while they resent the society of those afflicted like themselves and in it become quarrelsome, vicious, and unmanageable. |

FEMALE INDUSTRIAL SCHOOLS—*cont.*



| | Number of Inmates in School. | Number of Feeble-minded Children in School. | Number of Feeble-minded discharged during past 10 years. | Disposal of those discharged during past 10 years. | Remarks on the effect of the training received by Feeble-minded Children. | Views of Managers as to the treatment and disposal of the Feeble-minded. |
|---|---|---|---|---|---|---|
| 22 | 142 | — | 1 | Sent to imbecile ward of workhouse. | The child was incapable of being trained. | |
| 23 | 127 | 1 | 3 | They became charwomen and have gone on well. | Did not benefit in a literary line; often very good at manual work. | |
| 24 | 77 | — | 1 | The girl is living with her friends and able for nothing. | Did not benefit by the training she received. | They should never be admitted, or if admitted in ignorance of their state should be discharged as soon as possible. |
| 25 | 95 | 1 | — | — | — | Hetretofore we had had no experience of such cases; the only case we have will be discharged next June. We purpose sending her to one of our branch houses. |
| 26 | 119 | — | — | — | — | As a general rule we decline to receive such cases. After a fair time, should we find any child who was admitted to this school either mentally or physically unfit for a large public school or industrial training, we should apply for her discharge and get her discharged accordingly on the doctor's certificate. There are a few of such cases still in the Union hospital to which they belong. |
| 27 | 52 | — | 1 | Returned to friends. | She benefited. She learned to knit and sew and could read a little after some years. | |
| 28 | 115 | — | — | — | — | Would it not be well to train such children to do light farm work, care for poultry, etc., and where possible employ them at such work after their sixteenth birthday? |
| 29 | 60 | 1 | — | — | — | I am of opinion that feeble-minded children, like the girl at present in school, are unfit for industrial training. |
| 30 | 75 | 2 | 2 | Sent to domestic service. One was going on well until she died. The other came back to school and is engaged between the bakery and laundry at small wages. | Decidedly they have benefited. | A kind patient leading through the different stages of training has proved most effectual, and not requiring more than the girls are capable of in each case. |
| 31 | 172 | 6 | 32 | They have got situations suitable to their capacity and have all turned out well. | I consider such children have benefited very much by the training they have received, as it has developed the little intellect they had. | We try to give more care to the industrial training of this class of children and to get them places suitable for them. |

FEMALE INDUSTRIAL SCHOOLS—*cont.*

| | No. of Inmates in School | Number of Feeble-minded Children in School. | Number of Feeble-minded discharged during past 10 years. | Disposal of those discharged during past 10 years. | Remarks on the effect of the training received by Feeble-minded Children. | Views of Managers as to the treatment and disposal of the Feeble-minded. |
|---|---|---|---|---|---|---|
| 32 | 60 | 1 | 2 | One returned to friends. One who was sent to a situation was brought back to Convent, being so refractory. | To a certain degree they are benefited by training. | Our views are that those children would benefit more if there was a system of training (apart) suitable to their capacities. |
| 33 | 66 | 1 | 1 | She returned to her mother who finds her very useful. She learned to sew and knit and do housework while in school. | I consider that such children have benefited very much from the training they received. | Many young children who have suffered from cruelty and want become feeble-minded, but when kindly treated and when they get good food and air they improve both mentally and physically. This is my experience. If they are placed in a situation with kind mistresses they get on very well. |
| 34 | 118 | 1 | — | — | — | If such children are friendless and homeless and not admitted to an Industrial School, the workhouse must inevitably be their doom. |
| 35 | 62 | — | 2 | One subject to epileptic fits was placed in the "Meath Home of Comfort."<br><br>One placed in the Stewart Institute, Chapelizod. She is subject to epileptic fits and is an imbecile. | — | — |

MALE REFORMATORY SCHOOLS.

| | No. of Inmates in School | Number of Feeble-minded Children in School. | Number of Feeble-minded discharged during past 10 years. | Disposal of those discharged during past 10 years. | Remarks on the effect of the training received by Feeble-minded Children. | Views of Managers as to the treatment and disposal of the Feeble-minded. |
|---|---|---|---|---|---|---|
| 1 | 233 | — | — | — | — | For this class of boys I consider a term in school is the only salvation. |
| 2 | 166 | 3 | 2 | Both returned to friends and turned out badly. | The two discharged while under detention benefited morally and physically. After discharge they had not the strength of character necessary to resist temptation. | I doubt very much whether a Reformatory or Industrial School is a suitable place for such cases. There should be a school or institution for children mentally or physically defective, where the special circumstances of these cases could be dealt with by curative treatment and appropriate training. |

FEMALE REFORMATORY SCHOOLS.

| | No. of Inmates in School | Number of Feeble-minded Children in School. | Number of Feeble-minded discharged during past 10 years. | Disposal of those discharged during past 10 years. | Remarks on the effect of the training received by Feeble-minded Children. | Views of Managers as to the treatment and disposal of the Feeble-minded. |
|---|---|---|---|---|---|---|
| 1 | 17 | — | 1 | Sent from Reformatory to prison for refractory conduct. From the prison she was sent to lunatic asylum. After her discharge from the asylum she returned to her friends and got employment in a sack manufactory. The last account we have of her is that she is in the Union. | We do consider that children benefit by industrial training, no matter what their capacity may be. The girl discharged while in the asylum was useful in the laundry. | We believe that such cases eventually drift into institutions, where they are safe, as they are mentally in the borderland of insanity and incapable of managing for themselves. |
| 2 | 22 | 1 | 3 | Returned to friends One is doing well. One being epileptic is unfit for constant employment. The third who periodically got mentally deranged was reconvicted for vagrancy. | I consider they benefited by their training in school. | |

J. W. GARDNER, Esq., Lunacy Office, called; and Examined.

*J. W. Gardner, Esq.*, 5 May 1906.

23209. (*Chairman.*) Mr. Gardner, you are the consulting architect of the Lunacy Office, are you not, and all the plans that come before the Lunacy Commission have to be passed by you?—That is so.

23210. Perhaps you could give us some idea of the comparative cost of the buildings in Ireland as compared with England. Can you do so?—Well, I can give you the prices paid to all the different tradesmen in the town and in the country. You see when a man takes a contract in Ireland he has to pay what is called country money, and in town a bricklayer gets 8½d., perhaps, and if he goes to the country he gets 9½d. or 10½d. A plumber gets 8½d. in town and 10½d. in the country. The hodman, the scaffolder, gets 5d. here.

23211. And that would be the same thing in England?—Well, no; 6d. is the common price of labour in England. The other rates run about nearly the same as England. A slater gets 9d. in town and 11d. in the country; a painter 7½d. in the town and 9½d. in the country; a plasterer gets 8½d. in the town and 10½d. in the country. The cost of bricks is much greater here; bricks cost here 42s. a thousand, that is ordinary common stock bricks.

23212. How does that compare with England?—Much dearer than England.

23213. (*Mr. Chadwyck-Healey.*) They are clean brick?—Oh, clean brick.

23214. Best brick?—Only common stocks. You buy them in England for about 25s. to 28s. Slates here cost about £15 a thousand, and that is the cheapest. They run from £16 to £20 and that is the average price per thousand.

23215. Before leaving the cost of bricks, you said in Dublin the cost was 42s. Is it better or cheaper?—You see there are very few brick works here. The principal part of the bricks area is at Belfast, and bricks are cheaper there, but if you want to go to the South you have to bring the bricks from Durrow or Athy or some place like that. There are only bricks in certain centres—Dublin, Athy, Durrow, Youghal and Belfast, so that any bricks that you use—

*See* Q. 23271. 23216. You were going to show us some plans?—These are the Purdysburn villas that I understand you went to see (*showing plans*).

*See* Q. 23271. 23217. Is the other one which is going to be built at Antrim of the same character?—No, it is different. This one which is proposed at Antrim is going to cost £73 per bed (*showing plans*).

23218. (*Chairman.*) That is for the house alone?—And furniture.

23219. Does that include lighting?—Yes.

23220. And draining?—Drainage.

*See* Q. 23271. 23221. And any administrative block?—No administrative block at all. It is an addition to the existing asylum at Antrim. Then I also have the plans here (*showing plans*), if you want to see them, for Downpatrick, which is supposed to be one of the cheapest places that have been built. You went to see Downpatrick.

23222. Might we have any of these plans?—Well, you see these all happen to be the ones that have been approved by His Excellency. I can let you have tracings of them, but I could not let you have these, for these have all been approved by His Excellency, and we have to keep these on account of the loan.

23223-4. But we should be glad to have them copied?—You will also have to ask whether Graeme-Watt and Fulloch, the architects, of Belfast, would allow them.

23225. Would you ask their permission for us?—I will ask them, of course, to give me permission to send you copies of the Downpatrick plans, and I have also to ask Basil Wilson to allow me to give you a copy of the Antrim plans. (*See* Q. 23271.)

23226. (*Mr. Chadwyck-Healey.*) Now Purdysburn, Block B, what did it cost per bed?—£100.

23227. Now that did not include the land?—Oh no, the land was bought years ago.

23228. Did it include the fittings, did it include the furniture?—Yes, not all the furniture, only what was fixed.

23229. (*Chairman.*) The permanent furniture, not chairs or beds?—No, I do not think it included any furniture. The cost, including equipment and permanent furniture, is £1,046 3s., just at the rate of £100 a bed.

23230. (*Mr. Chadwyck-Healey.*) Now by permanent furniture you mean something of what we should call in England fixtures?—Yes, more or less, such as presses.

23231. Quite so; it includes kitchen apparatus?—Apparently. Yes, there is a range in the kitchen, and it also included hot water supply and plumbing and drainage.

23232. All the drainage?—Yes.

23233. Down to the main drain?—Up to the outfall.

23234. It included more than connecting the house drain with the main drain?—No, I do not think it did. Purdysburn was only done in patches, and this was connected with the main drain. If you will allow me to see the plan I will tell you in a moment. I would say it only included a certain amount of drainage, just a small run-out and that is all, just a little beyond the house.

23235. Did it include the telephone?—Oh yes, it included everything; the building was finished complete.

23236. It did not include any lighting, did it?—I do not know what sort of lighting they have at Purdysburn.

23237. I think I can tell you. It is wired for electric lighting, but it is not on?—It included everything up to occupation.

23238. Did it include the wiring for the electric light?—I should say up to this, but they have no electric light there.

23239. But the house is wired?—Yes, but that was included in the contract.

23240. What do you say as to the comparative cost; if a house like that were built in England how would the cost compare, do you think?—It ought to be done for less.

23241. Less in England?—That particular contract was taken exceptionally cheap.

23242. And yet you say it could be done cheaper in England?—Yes, because you can get far more work out of an English workman than out of an Irishman.

23243. Any other reason?—Yes; materials cheaper.

23244. Cheaper in England?—Yes; a bricklayer in Ireland, I understand, is bound down not to lay more than 250 bricks a day. In England I have often got a man to lay 1,000 bricks a day.

23245. That was some time ago, I believe?—1882 to 1885.

23246. Is it not 300 a day?—500 is the average now.

23247. And you say you can get more work out of an English workman?—Yes.

23248. But then you pay lower wages?—The pay is higher in England, but then you get more work out of the workman.

23249. But you are satisfied from your experience that you could have built this Block B at Purdysburn in any case at a little less cost?—Yes.

23250. How much do you think?—I did not measure it up. I could not tell you without actually pricing it.

23251. (*Chairman.*) Now let us have the Downpatrick?—They both vary. One has a lofty high level corridor.

23252. Which do you wish to have? I want to ask a similar question about Downpatrick; which do you know best?—I know the one with the high level corridor to it.

23253. This is the additional block on the female side?—Yes.

23254. That is the heading on the drawing?—Yes.

23255. What did they cost?—That cost £85 per bed, and the furniture was £5 10s. in addition. That comes to £90 10s.

23256. What is the furniture referred to there, only the fixed furniture?—Oh no, all the furniture for the building, beds, chairs, tables, couches, or whatever they could send in for the furniture. This place was not furnished when I was there.

23257. Does that include crockery?—No, no. Things of that sort were not provided. They had to provide them.

23258. Kitchen cooking utensils?—Yes, but not basins.

23259. Knives and forks?—Yes; that all comes out of maintenance.

23260. And as far as the building itself is concerned that cost includes everything about the building?—Yes.

23261. All the drainage?—Connecting with the other drain.

23262. Yes, and the lighting arrangements?—Yes.

23263. And it included laying on the gas and all the gas fittings and brackets and so on?—Yes.

23264. Baths of course would be included?—Yes, and all plumbing.

23265. All the sanitary arrangements and plumbing?—Yes.

23266. Did it include decorating and painting?—I should imagine that it did. A painter could scarcely decorate the house afterwards. You know that in Downpatrick it is nearly all wainscotted round. Well, it was varnished and that is all included in the work. *J. W. Gardner, Esq.* 5 May 1906.

23267. About Purdysburn, was painting included in that case?—I believe so.

23268. The walls are painted?—I should not like to say, but there was the ordinary contract painting included in it and that all covers the wainscotting and varnishing and everything.

23269. Can you compare the cost of a similar building in all respects in England; would it be cheaper or dearer in that case do you think?—I do not think that you would get it done any cheaper than in Downpatrick.

23270. Would it be dearer?—No; I think you ought to get it for the same money. That was an exceptionally low contract here. You see the building there is only what I call a shell. There is no filling-in in it. There are no central walls or anything like that. You have empty single rooms and things like that. That is where the money goes, in the filling-in. That is the architect's estimate. I do not say that that is correct. £73, that is the architect's estimate for Antrim Villa.

23271. (*Chairman.*) Thank you. And you can get us permission to use these plans?—I will, yes. (*The plans were subsequently reproduced, Vide Appendix papers pp. 337–346, post*).

## FORTY-NINTH DAY.

*Monday, 11th June*, 1906.

AT THE CALEDONIAN STATION HOTEL, EDINBURGH.

PRESENT.

The Right Hon. The EARL OF RADNOR (*in the Chair*).

W. P. BYRNE, Esq., C.B.
C. E. H. HOBHOUSE, Esq., M.P.
F. NEEDHAM, Esq., M.D.
The Rev. H. N. BURDEN.
W. H. DICKINSON, Esq., M.P.
Mrs. PINSENT.
J. C. DUNLOP, Esq., M.D.

HARTLEY B. N. MOTHERSOLE, Esq., M.A., LL.M. (*Secretary*).

W. LESLIE MACKENZIE, Esq., M.A., M.D., D.P.H., M.R.C.P.E., F.R.S.E., called; and Examined.

23272. (*Chairman.*) You have been so kind as to give us a statement of your evidence; may we put it on our notes?—Certainly.

STATEMENT OF THE EVIDENCE PROPOSED TO BE GIVEN BY W. LESLIE MACKENZIE, ESQ., M.A., M.D., D.P.H., M.R.C.P.E., F.R.S.E.

1. *Personal.*—I am Medical Member of the Local Government Board for Scotland. I am a Master of Arts, Doctor of Medicine, and Diplomate in Public Health of the University of Aberdeen, and a member of the Royal College of Physicians of Edinburgh. I also possess the Medico-Psychological Certificate of the Medico-Psychological Society of Great Britain. I have studied psychology both normal and morbid more or less continuously for some twenty-five years. Three years ago, in concert with Professor Matthew Hay, I prepared a report for the Royal Commission on Physical Training (Scotland), on the condition of school children in Scotland. I was responsible for the examination of 600 Edinburgh school children. Later, I developed the issues involved in this report in a volume on the "Medical Inspection of School Children." Two years ago, I superintended an examination of some 1,400 school children, but the facts as yet have not been made public and I cannot use any of them on this occasion. I have also considered both theoretically and practically what can be done to improve the supervision of school children from the physical and mental standpoint, and I have endeavoured to inform myself regarding what is done in other countries, particularly in Germany,—along the same lines. It is on these general facts that any opinions I here offer rest. I regret that official duties have made it impossible for me to obtain such statistical material as I should like to place before the Commission. *W. Leslie Mackenzie, Esq., M.A., M.D., D.P.H., M.R.C.P.E., F.R.S.E.* 11 June 1906.

I may add that, as a member of the Local Government Board for Scotland, I have had many opportunities of considering the relation of the feeble-minded to the Poor Law. Although I have not made any detailed examination of the mental conditions of the inmates of our poorhouses, I am familar with the types admitted and with the methods of treatment current in the Scotch poorhouses.

2. *Edinburgh School Children.*—Of the 600 Edinburgh school children examined for the Royal Commission, I found six marked "defective" by the teachers and sixty-eight marked "dull." The defectives, so called, formed 1 per cent. of the whole. This percentage, I understand, approaches that found in Glasgow schools and it is almost the same as that found in the Dundee schools. The facts in the six defective cases were as follows:—

*Case I.*—Boy, age 8 years 4 months. Father, cabinet-maker. Two-roomed house. In infant school. Attendance irregular owing to illness. Usual school exercises. Pale, thin, bad carriage, unhealthy in appearance, dull in expression and not readily answering. Body not

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clean, clothes fairly clean. Height 47·2 inches, weight, 48·7 lbs. Height slightly over, weight slightly under, average for four schools. Teeth relatively good. Slightly short-sighted, vision $\frac{6}{9}$. Ear membranes slightly indrawn. Signs of adenoids. Very dull, deaf, skin and hair dry.

*Case II.*—Boy, age 10 years 5 months. Father—draper's messenger. In Standard I. Attendance good. Ruddy, medium nutrition, medium carriage, not alert. Healthy in appearance. Clean in body and clothing. Height, 50·1 inches, almost the average; weight, 59·25 lbs., almost average. Teeth moderately good. Long-sighted, vision $\frac{6}{12}$. Hearing normal. Enlarged tonsils and adenoids.

*Case III.*—Boy, age 11 years 7 months. Father—blacksmith. Three-roomed house. In Standard III. Attendance good, but somewhat irregular on account of ear and throat troubles. Pale, medium nutrition, good carriage, medium health appearance, medium alertness. Clean both in body and in clothing. Height, 52·6 inches, slightly over average; weight 70 lbs., distinctly over average for four schools. Teeth, medium. Vision, normal. Hearing defective, slightly, on one ear; dry perforation of drum. In other respects, healthy.

*Case IV.*—Boy, age 14 years 5 months. Father—slater. In Standard IV. Attendance perfect. Face of medium ruddiness, thin, healthy in general aspect, moderately alert. Clean. Height 62 inches, distinctly over average; weight, 63 lbs., distinctly under average. Teeth, good. Vision very bad, with each eye $\frac{6}{60}$, with both eyes, $\frac{6}{36}$. Inflammation of eye-lids, chronic inflammation of cornea, nebula on cornea. Hearing slightly deficient, wax in ears. Enlarged tonsils. Stammers in talking. Very restless and lively in action; typical quick look of street arab.

*Case V.*—Girl, 7 years 7 months. Father—saddler. In infant room. Attendance good. Pale, thin, bad carriage, unhealthy aspect. Moderately alert. Clean. Height, 44·2 inches—about average; weight, 42 lbs., 3 lbs. under average. Teeth, bad. Vision, long-sighted; one eye, $\frac{6}{12}$, the other $\frac{6}{9}$, both $\frac{6}{9}$. Nebulæ on cornea of one eye. Hearing, normal. Signs of adenoids. Tonsils, enlarged. Swollen glands in neck. Noted as obviously defective in intelligence; open-mouthed.

*Case VI.*—Girl, age 10 years 7 months. Father—a labourer at docks. Two-roomed house. In Standard I. Attendance, medium. Cause of absence assigned as "message-going." Ruddy. Nutrition, medium. Carriage good. Healthy in aspect. Moderately bright. Body not clean, clothes clean. Height, 47·5 inches, 2 inches less than average; weight 50·5 lbs., 8 lbs. under average. Teeth, fairly good. Vision extremely defective, each eye $\frac{6}{60}$. Very long-sighted. Squint. Hearing, about half normal. Signs of adenoids. Tonsils enlarged. Noted as very dirty in body.

3. *Observations on Cases.*—Of these cases, probably only two, cases III. and V., were in the strict sense defective or feeble-minded. In most of them, the vision and hearing were abnormal. In one or two cases, this was very strikingly so. The same was true of the great majority of the sixty-eight cases marked by the teachers "dull." These observations have been verified again and again. In Dundee, of 1,000 children nine were found defective and eighty-seven dull. In practically every case there was defect of vision or hearing or both. In the nine defective cases, specific disease was present in one or two.

For comparison, I quote two percentages, one from a Swiss report, the other from a German report. In the Zürich School Report for 1901, among 2,625 children examined at entrance to school, there were found twenty-one cases of moderate mental weakness, thirteen of advanced mental weakness, four cretins, two imbeciles, and two of other forms of mental anomaly. This gives a percentage of over 1·6. In the Wiesbaden School Report for 1904–5, of 1,043 children admitted, thirty-six were found suffering from some form of mental affection or epilepsy, that is about 3·4 per cent.

From this comparison we may infer—not that the amount of mental impairment is greater than with us, but—that the examination is more thorough going, as I know it is in Wiesbaden and other German towns.

4. *Need for Medical Inspection.*—It is clear from the Edinburgh and Dundee cases alone, that scrutiny by the teacher is not sufficient for the proper classification of backward children into feeble-minded or defective, and children of undeveloped faculties. Here the educational test is much too limited Before it can be relied upon, it must be preceded by a detailed and prolonged examination of physical conditions, life history, family history, and careful mental testing by a skilled person, medical or other. If this is not done, the certain result will be to slump together entirely disparate forms of mental inefficiency; and a single medical examination would rarely be sufficient, for children really defective in brain function may also show defects of sense that aggravate their primary condition, and, until they have had the benefit of good corrected senses for some time, it is impossible to say definitely whether they will advance in intelligence or not.

On these, among other grounds, I consider that systematic medical examination of all elementary school children is imperative.

5. *Need for Medical Supervision.*—As Dr. August Ley in his *Arriération Mentale*, points out, p. 228, and in his paper at the Nuremberg Congress of 1904, Vol. IV., p. 38, backward children are "abnormal in intelligence, invalids. In them the physical side is often as defective as the intellectual side, and moral defects are not infrequent. We see them affected with the congenital debility of the offspring of alcoholics; they are rickety, myxœdematous, tuberculous, syphilitic, adenoidal." To separate clearly the primary intellectual defects from the secondary effects of disease, is a work of immense difficulty. For we have to deal not with grown, but with growing organisms, and nothing short of continuous supervision and repeated examination makes a full diagnosis possible. And such a diagnosis demands the resources not only of ordinary medical methods, but also of the methods elaborated by the experimental psychologists—such as re-action time, and fatigue measurements. And even this does not exhaust the case; for in many instances only the stimulus of persistent teaching can test what possibilities of progress a given child may have. Further, education of the really feeble-minded has a different aim from education of the normal child; for education of the feeble-minded aims not at preparing the child to make a living through his own intellectual attainments and initiative, but so to apprentice him to the art of living as to enable him to work effectively under direction afterwards. But to secure these effects of education and to prevent the waste of educational energy on hopeless material, the children need persistent supervision and re-examination by a medical expert whose training includes a knowledge of educational methods.

I am informed that in Glasgow the medical officer inspects from time to time, perhaps at intervals of months. Quite recently I visited one of the Glasgow centres for defectives with a view to satisfying myself whether this non-periodical inspection could properly be regarded as sufficient for the class of defective children at that school. But the general impression I formed was that the admirable teaching work done by the staff would benefit greatly by the kind of increased medical co-operation suggested. The medical man should obtain as complete knowledge as possible of the whole family history and hygienic conditions, general and personal.

6. *Classification of Mentally Defective.*—The varieties of feeble-minded children brought together in the Glasgow school visited confirmed in my mind a conclusion arrived at on other grounds, namely, that if the education of the feeble-minded is to be as fruitful as it ought to be, the cases must be separated into those suffering from defects that are in the strict sense inherited and those suffering from defects that have been acquired after conception. A further classification should be made into those that have been born without certain faculties and those whose faculties have never been developed.

I am aware that this classification is difficult. But there are methods of making it approximately. The issues involved are great. For if we can say with certainty or an approach to certainty that a defect will not be inherited, the question of permanent segregation is of less serious concern. If we can say with certainty that a defect will be inherited, the question of segregation becomes of primary concern. And I am satisfied that

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a great many of the defects leading to mental backwardness are non-inheritable defects; but they seem to be treated practically as if no distinction were possible or desirable between inheritable and non-inheritable. But a defective individual may come of healthy stock and may be capable of generating healthy progeny.

Dr. Ley in his excellent intensive study of mentally backward children lays down the following rules for diagnosis:—

"The examination must determine (*a*) whether there exists any physical cause for the state of backwardness, myopia, partial deafness, bodily defect, adenoid vegetations; (*b*), whether the child has received a suitable and continuous education, uninterrupted for example by disease, and whether the social and family environment is unfavourable.

"Having well weighed, examined, and corrected the influences of these causes, the examiner will consider whether the backwardness is the result of congenital or acquired deficiency of the cerebral centres."

(The term "congenital" is here ambiguous. It may mean simply born with the child, or inheritable in the strict sense, that is, a defect of the family stock.)

"The examination thus conducted permits of a diagnostic classification into the following chief categories of mental backwardness.

"I. Backward from defects of *sense*, myopics, astigmatics, deaf, etc., or from *disease*, adenoids, myxœdema, etc.; and in all these, the correction of the defects or the cure of the disease secures the disappearance or the very notable amelioration of the mental backwardness.

"2. Backward for pædagogic reasons, irregular attendance at school, unfavourable environment, immorality. These are the educationally backward of Demoor.

"3. Backward from mental deficiency—who are the really backward—those of the class we have often had occasion to observe at the special school at Antwerp.

"The two first classes of children readily improve and after a little time may regain their place among the normal.

"The children affected with mental backwardness of the real order, that is from deficiency of the intellectual functions, are slower to improve and rarely, in spite of special education, do they arrive at a normal mental condition. They always retain a certain mark of inferiority, which renders necessary for them supervision and direction extending into the post-school period."—*L'Arriération Mentale, p.* 225.

With these views, I entirely concur.

7. *Separation of Feeble-minded from Ordinary School Children.*—The separation is necessary, first, to prevent the retardation of normal children in the ordinary classes, second, in order to facilitate special teaching. Each feeble-minded child is a special problem and individual teaching must be more intensive. The benefit of mass teaching is very small for the feeble-minded. In their apprenticeship for life in a given community, every function of individuality must be exploited at the growing ages. But this cannot be done without segregation.

*Special Schools* versus *Special Classes.*—Which shall be the method selected in any given district is a matter of detail. The experts at the Nuremberg Congress were in favour of special schools rather than of special classes in a department of the school. As the treatment of the feeble-minded becomes more scientific, probably the special school will increase in value. But the special class has also its function; because there is every grade of mental retardation and defect and the special class may well become a preliminary to the special school. In any case, the specially trained teacher must go with the special class. The tendency, to judge by the Glasgow school already referred to, is unconsciously to press these defective minds too much. The limits of fatigue are very much narrower in the feeble-minded than in the normal child, and each teacher should make a primary point of never exceeding the fatigue limit. This, again, is a matter that can be ascertained for each child roughly by experiment.

The great advantage of special schools is that in them it is easier to secure garden ground for the organisation of manual occupations, better air, and freedom from the noise and excitement of the ordinary school. The advantage of special classes in the ordinary school is that the district is more easily accommodated.

The general hygienic conditions of such schools are the same as for others; but freedom from dust is more essential. Heating should be such that teaching could be conducted with the greatest possible amount of ventilation, that is the class room should approximate to the open air.

8. *Feeble-minded in Poorhouses.*—In Mr. Barclay's evidence, the procedure for keeping persons of unsound mind out of the poorhouses is detailed. But of necessity many persons of unsound mind find their way there notwithstanding. The poorhouse inmates must be largely recruited from the class we have already been discussing. This is, indeed, one of the strongest reasons for treating the feeble-minded child on the lines indicated.

Medically, the Scottish poorhouses seem to be in a process of rapid transition. Glasgow has led the way, with most gratifying results. It seems as if a new fundamental idea were now appearing in poorhouse administration. Whereas formerly the pauper was regarded as a derelict to be housed until he died, he is now to some extent regarded as a temporarily incapacitated citizen to be nursed into efficiency. There seems to be, in Scotland at least, a steady movement in this direction. I consider that something might be done to secure a better classification of inmates mentally. It should be possible to separate the feeble-minded from the normal but mentally enfeebled. The two classes are very different, and demand different treatment. If this separation were accomplished, it would be possible to find a sound basis for the compulsory detention of certain poorhouse recurrents. Personally, I am not satisfied that the prevention of "in-and-outism" is best to be secured by detention after certain repetitions of application for relief within a given period. This seems to me at a stroke to convert a poorhouse into a prison. But if a more thorough classification on mental lines were attempted, it should be possible to specify certain limiting conditions for detention.

Such a suggestion, however, involves the whole question of certification of the insane. But in practice it should be possible to draw a line between the certifiable insanities such as affect conduct in civil life and the impaired mental faculty that is unequal to social life outside a poorhouse, but does not need the restraints of any asylum. The feeble-minded children grow into feeble-minded adults, and these are always in arrear with their development. If there were a fully correlated organisation of special school, industrial school, reformatory, poorhouse, and asylum, I think the poorhouse might be drained of some of its feeble-minded stock. The claim for compulsory detention would be very strong where a full history of feeble-mindedness could be proved by a systematic record. But such compulsory detention ought preferably to be in distinct institutions, or distinct sections of an institution. The healthy feeble-minded are a different class from the normal-minded of enfeebled health.

9. *Central Supervision.*—In Scotland, the Central Lunacy Board and the Local Government Board co-operate. Recently, the Local Government Board issued regulations for observation wards in poorhouses (*vide infra*). These regulations arose out of the fact that for one reason or another a considerable number of cases of genuine insanity were retained in the poorhouses for treatment on the ground that asylum treatment was unnecessary and that many of the cases were temporary, or incidental to other diseases. The full details of the movement from the local authority's side are given by Dr. Carswell. From the Board's side, it is enough to say that, on inquiry, sufficient reason was discovered for insisting that if such cases were to be systematically treated the conditions of the poorhouse must be such as to make the treatment safe and effective. The regulations were drawn up in concert with the Board of Lunacy, who are legally responsible for all lunatics.

The revolt against asylum treatment is due in part to ancient ideas of the nature of insanity, in part to the economic results of the asylum stigma. So far, these observation wards are an experiment, but the results have justified their institution. The Board are now considering what instructions can be issued for the guidance of medical officers in determining whether a case is suitable or unsuitable for admission to such a ward. The usual question in the admission certificate, whether the applicant is of unsound mind, etc., will for the purpose of observational treatment be modified, and a statement will be required as to the reason for proposing admission to observation.

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APPENDIX TO STATEMENT I.

(*Vide* Q. 23433.)

## REGULATIONS FOR OBSERVATION WARDS IN POORHOUSES ISSUED BY THE LOCAL GOVERNMENT BOARD (SCOTLAND).

Local Government Board,
Edinburgh, 11*th April*, 1906.

SIR,—The Board have had under consideration the suggestion of the Departmental Committee on Poor Law Medical Relief, etc., that, in certain poorhouses, it might be desirable to provide for the observation and treatment of persons showing symptoms of mental disorder believed to be temporary and not to necessitate removal to an asylum. The Board think it right to bring this matter specially under the notice of house committees, and, to assist them in arriving at a decision should they be disposed to favour the recommendation of the Departmental Committee, I enclose a note of the conditions under which the Board are prepared to sanction the reception of such cases in a poorhouse.

I append an extract, relating to this subject, from the Report of the Departmental Committee (page 27).—I am, Sir,

Your obedient servant,

G. FALCONAR-STEWART,
*Secretary.*

*The Governor of the Poorhouse.*

EXTRACT FROM THE REPORT OF THE DEPARTMENTAL COMMITTEE.

(d) *Wards for Nervous Cases with Symptoms of Threatening Insanity.*

"56. One witness spoke to the necessity for having an observation ward, or wards, attached to poorhouses, for cases of threatening insanity or temporary mental derangement, which, under the Lunacy Acts, would not be taken into the poorhouse. If placed in an observation ward, it might not be necessary to send them to an asylum. To quote the witness's words:—'It is my experience that when once a person has been in an asylum, people have a strong objection to employing him or her afterwards. I have seen that occurring in the cases of females who have been out of an asylum for some time, and who are quite well; they get into service, but the moment their employer finds out about the asylum they are dismissed.' In support of this suggestion, we have ascertained that, during the year ended 15th May, 1903, 242 cases with symptoms of insanity were treated in the observation wards of Glasgow (Barnhill) Poorhouse, of which only 36 were ultimately certified as insane, and removed to the asylum.

"As the taint of an asylum appears to be a factor that tends to produce pauperism, we beg to direct the attention of the Board to the expediency of provision being made by poorhouse authorities for the treatment of such cases in observation wards. By such a course the cost of removal to an asylum would also be saved in many cases."

MEMORANDUM (*a*).

(*Referred to in Evidence as "Regulations."*

(*Vide* Q. 23422.)

MEMORANDUM OF CONDITIONS ON WHICH THE LOCAL GOVERNMENT BOARD ARE PREPARED TO APPROVE OF THE ESTABLISHMENT OR CONTINUANCE OF SPECIAL WARDS IN POORHOUSES FOR THE OBSERVATION OF CASES OF TEMPORARY MENTAL DISORDER.

1. Observation wards, when not in a building specially reserved for them, are to be separated from the other wards of the poorhouse, and no inmate who is not medically certified as suitable for treatment in an observation ward shall be lodged therein. These wards should resemble ordinary hospital wards modified to suit their special purpose. They should form part of, or be as near as possible to, the poorhouse hospital.

2. At least 1,000 cubic feet of air space and 100 square feet of floor space should be allowed per bed. There should be small single rooms in proximity to the main ward for those patients whom for any reason it is desirable to place by themselves. Where a comparatively large number of patients are received, the wards should be so arranged as to admit of the inmates being grouped in accordance with their mental condition.

3. Such wards should provide accommodation for not fewer than four patients of each sex.

4. No patient shall remain in an observation ward for a longer period than six weeks. If in any exceptional case the medical officer is of opinion that retention for a further period is necessary or advisable, he shall transmit to the Local Government Board a certificate to that effect, stating the grounds of his opinion, and the period of further retention required.

5. Registers, for the accuracy of which the medical officer in charge of the observation wards shall be responsible, shall be kept in the annexed four forms.

6. Where the observation wards contain sixteen beds or upwards there must be at least one medical officer resident in the poorhouse.

7. The patients shall be treated upon hospital lines and, as far as requisite, in bed.

8. In the larger wards day nurses shall be provided in the proportion of at least one nurse to eight patients. In wards with not more than ten patients of either sex one nurse to ten patients may be permitted, provided that the duties of the nurses are efficiently supervised by a responsible official, and that extra nursing assistance shall always be available.

9. Night nurses shall be in the proportion of one nurse to ten or any smaller number of patients.

10. Where female nurses are employed for the nursing of male patients, either by day or by night, a male official should at all times be available in case of emergency.

11. The consent of the Local Govenment Board must be obtained before any portion of a poorhouse is set apart for the observation of cases of temporary mental disorder. The Board will have to be satisfied that the proposed medical and nursing arrangements are adequate and proper before they give their consent.

REGISTER OF ADMISSIONS AND DISCHARGES.

| Number of Case. | Name. | Age. | Sex. | Occupation. | Address. | Where Admitted from. | Nature of Mental Disorder. | Day and Hour of Admission. | Result of Treatment. | Where Discharged to. | Day and Hour of Discharge. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | | |

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REGISTER OF CASES PUT UNDER RESTRAINT OR SECLUSION.

| No. of Case in Admission Register. | Name. | Nature of Restraint or Seclusion. | Duration. | |
|---|---|---|---|---|
| | | | Beginning: Day and Hour. | End: Day and Hour. |
| | | | | |

REGISTER OF ACCIDENTS.

| No. of Case in Admission Register. | Name. | Date of Accident. | Short Account of Accident, naming Officials or other Persons who witnessed it. |
|---|---|---|---|
| | | | |

REGISTER OF DEATHS.

| Reference Number of Case in Admission Register. | Name. | Date and Hour of Death. | Cause of Death. | Whether a *Post-mortem* Examination was made. | Result of *Post-mortem* Examination. |
|---|---|---|---|---|---|
| | | | | | |

MEMORANDUM (*b*).

(*Vide* Q. 23422.)

MEMORANDUM AS TO CASES SUITABLE FOR TREATMENT IN THE OBSERVATION WARDS OF A POORHOUSE.

The Local Government Board feel that a wide discretion must be left to the medical officers in charge of these wards, and to the medical officers who sign the certificates of admission. No doubt there will sometimes be diversity of opinion as to whether a patient sent to an observation ward should not more properly have been sent to an asylum as a certified lunatic. In such cases, the considerations to be kept chiefly in mind are the immediate cause, and the probable duration of the mental disturbance. As a general rule, it is not intended that cases should be kept in an observation ward longer than six weeks. It is difficult to limit or to specify exactly the type of case for which observation wards are suitable, but the following may be mentioned:—

(*a*) Where the mental symptoms are a sequel or accompaniment of diseases that in ordinary circumstances terminate within a definite time. The point specially to be kept in view here is the likelihood of the speedy disappearance of the symptoms of mental disturbance.

(*b*) Where, although the mental symptoms would seem to indicate lunacy, the medical officer is clearly of opinion that such symptoms are likely to be of short duration.

(*c*) Where the patient's mental state gives rise to apprehension, but where the symptoms are not sufficiently marked to enable the certifying physician to affirm either sanity or insanity.

(*d*) Where the mental disorder is associated with alcoholic abuse.

(*e*) Senile cases where there are temporary symptoms of mental derangement which make it undesirable that the patients should be treated in a general hospital ward.

(*f*) The presence of the following conditions should be regarded as contra-indicating suitability for such wards:—

(1) Homicidal tendencies.
(2) Dangerous violence.
(3) Acute and persistent suicidal tendencies.
(4) Long-established insanity or known existence of chronic delusions.

The Board have prepared and enclose a form of medical certificate for cases sent to observation wards. This memorandum is printed on the form of medical certificate.

It is intended that the medical officers of parishes entitled to send patients to a poorhouse that has observation wards should have a copy of this memorandum.

Local Government Board,
Edinburgh, 18*th June*. 1906.

*W. Leslie Mackenzie, Esq., M.A., M.D., D.P.H., M.R.C.P.E., F.R.S.E.*

11 June 1906.

FORM OF MEDICAL CERTIFICATE TO BE USED FOR PERSONS SENT TO THE OBSERVATION WARDS OF A POORHOUSE.

Parish of———

Name of Pauper (or Applicant)*———

I have this day examined the above-named———

and hereby certify, on soul and conscience, the particulars underwritten to be true, to the best of my knowledge and belief.

(*Signed*)———

*Medical Officer.*

(Date)———

Is the———in good health ?———

Is the———able to do any work ?——

Nature of———sickness or infirmity.

*Note.*—Where the circumstances are such as to give rise to a suspicion of the possible development of some form of infectious disease, special attention should be directed to the case.

If———has dependants, state whether they or any of them, suffer from sickness or infirmity———

Nature of sickness or infirmity of dependants———

Does the condition of———or dependants require immediate attention and medical advice ? †——

Is———or any dependant "*lunatic, insane, idiot, or of unsound mind*" ? ‡———

Are———and dependants able to be removed to the Poorhouse of———

without injury to their health ?———

If so, state the manner in which they are capable of removal without risk of injury to their health §———

* The Inspector will erase one or other of the words, and fill up the blanks in the Certificate with the designation applicable.

† If this question is answered in the affirmative in the case of a person to be removed to a Poorhouse not having a resident Medical Officer, the certifying Medical Officer should give all needful suggestions as to the immediate treatment of the patient on admission.

‡ No person so certified can be legally sent to or received in a Poorhouse, unless it possesses licensed lunatic wards, and then only with the sanction of the General Board of Lunacy. If the case is considered suitable for an Observation Ward, the Medical Officer should write "For Observation" in the space reserved for his answer. He should also read the Memorandum printed on the back of this form, and record in the space provided his reasons for thinking the case suitable for treatment in an Observation Ward.

§ The Medical Officer will note specially any precautions which he deems necessary in conducting the removal,— in particular, whether the patient can walk to the vehicle prepared for him, or whether he should be carried, and, if so, whether a stretcher is necessary; whether a nurse should accompany the patient: whether any preparation of the patient by the administration of food, stimulant, &c., is required; and any other matters to which attention should be directed.

The Medical Officer is requested to state on this page the grounds that have led him to conclude that———is suitable for treatment in the Observation Wards of the Poorhouse.

23273. (*Mr. Byrne.*) With reference to the first column of your statement, in which you speak of the examination of 600 Edinburgh children, how were these 600 children selected ? Were they picked out in any way ?—Purely by ballot.

23274. Do they represent the schools of representative districts ?—Four schools were chosen, two being in the poorer quarter and two in the better quarter—two in the east end and two in the west end, more or less. They were all board schools.

23275. May we take them as representative ?—Yes, on the whole. Of course at that date 600 would only be about one-sixtieth of the number of school-board children in Edinburgh.

23276. When you quote from *L'Arriération Mentale* with which you agree (*p.* 154, *col.* 2), the statement is made that the education of the feeble-minded is not to prepare them to make a living through their own intellectual attainments and initiative, but so to apprentice them to the art of living as to enable them to work effectively under direction afterwards. That contemplates the permanent detention of such children ? —More or less.

23277. That is based on the idea of permanent detention ?—Yes, in some form or another. It would vary according to the capacity of the child.

23278. Apprenticeship contemplates work in the future? —Yes.

23279. Do you think that circumstances as they exist in Scotland call strongly for the provision of such permanent detention of a certain class of people ?—They call for provision for them, but I am not able to say that they call strongly. There seems to be a clear case for some action in that direction, however.

23280. How has that been brought before you ?—Mainly through the educational channel, and through the poor-houses.

23281. Are the educational authorities in Scotland gradually acquiring more knowledge about imbecile children ? Have they taken up the idea that they must deal with them permanently, that it is not enough to educate them and then turn them out in the world when they reach the age of 16 ?—I think that is so, but I have not been able to discover anything specific.

23282. You do not know of any strong feeling on the subject ?—No. Of course the only great educational authority that has done anything considerable, as you know from the evidence, is Glasgow; but other authorities, Edinburgh for instance, are preparing to move in the same direction.

23283. You know the reformatory industrial schools system ?—Yes, vaguely.

23284. Do you think it would be advantageous to extend it in any way to all this class of persons ?—I think the industrial school system would certainly be suitable.

23285. At present the feeble-minded are excluded ?—Yes.

23286. Supposing special schools were provided for them, should they be formed on the industrial school type ?—Yes.

23287. Is that the course that you would recommend ? Would you recommend an extension of the industrial school system rather than the introduction of an entirely new set of institutions ?—I have not considered that matter in detail, but it recommends itself to me.

23288. Do you think that the Government should subscribe to them as they do to industrial schools ?—I think it would be a fair enough thing to do, but one has to try and get the localities interested in all these children, and consequently local interest could be stimulated by dividing the burden. I think that is a wise thing to do, both for that and other institutions, because it does not allow them to be mere State off-casts as it were.

23289. You say that if a more thorough classification on mental lines were attempted it should be possible to specify certain limiting conditions for detention. Do you contemplate by that the scheduling, so to speak, of certain symptoms of the conditions which would lead to detention, or should that always be done by an examination of the child ?—I think it is so difficult to lay down general rules that I would prefer to have it done by personal examination.

23290. If that were done by the medical officer attached to the educational authority under the Government, do you think that the public are prepared to consent and to raise no difficulty about permanent detention ?—I do not think any difficulty would be raised, but one never knows. It presents itself as a reasonable and a fair thing to do.

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23291. What is the extent of the evils which you think arise at present from the presence of some considerable number of feeble-minded persons in the poor-houses? Do you consider that the evils are great?—They are extremely troublesome. You have the evidence of Mr. Motion—and he has more direct experience than I have—to the effect that there is no doubt that great evil does result. There is the spread of disease, and there is a general social degradation associated with that class of people.

23292. Would you say that these evils were of such a character as to call for serious action?—Yes. There has been a cry for dealing with the ins-and-outs for many years.

23293. Would you say that certain properly limited powers of detention of paupers of this class are called for?—I think so. I am driven to that more or less because I am not quite satisfied that the conditions in the last Bill promoted by the corporation of Glasgow are quite what would meet the case. I should hedge it in by much more direct positive evidence in each particular case, and it should be a matter for trial before the Sheriff or some magistrate.

23294. If that were done, do you think that a mere certificate by a medical officer should be sufficient authority for detention, or would you have the magistrate or the Sheriff?—I would have the Sheriff, certainly. One prefers to have it put on the footing that it is really an administration of public justice, so to speak, and you wish it protected.

23295. There is a restriction of liberty involved?—Yes. Administrative work is apt to fall into routine, and the personal interest ceases to count for so much, whereas before the Sheriff it is a different thing.

23296. (*Mr. Dickinson.*) With reference to these 600 children that you examined, I see that you found six that you would call defective and sixty-eight that you would call dull?—Yes.

23297. And then of those six only two were defective in mind, I understand?—Yes, in the strict limited sense.

23298. The others being defective physically?—Yes, I state it in detail in my statement. What I mean is that of the six only two were, as it were, hardly improvable, intellectually defective, and the others were defective in their senses in many respects. I mean they were marked by the teachers as mentally defective, and they were backward in their work and behind their standard through bad vision and bad hearing. It was impossible to say that they were intellectually defective however.

23299. I may take it that there was certain feebleness of mind in all these six cases?—Yes.

23300. Was that the case with the others? What do you mean by "dull"?—I will explain how that arose. In the schedule that we prepared for the Royal Commission there were some five grades—excellent, good, fair, dull, and defective. "Dull" meant those backward children who had not given any manifestation of feebleness of mind. Those who were said to be defective were those who were thought by the teacher to be mentally defective. The dull cases were only backward children.

23301. Not one of those dull cases was a case of feeble mind?—That I would not say, because the selection was made in the first place by the teacher. This was a teacher's classification, and it was gone over by the medical men, myself included; and in none of these 68 cases would one have said they were mentally defective, although, if you were going into the examination that I indicate later on, it is quite possible you might have found some who were simply backward children, that is, not properly nourished, deaf, blind, bad vision and so on.

23302. Still, I presume the result of your investigations would be to say that as a rule there would be more than 1 per cent. who were deficient mentally?—That is quite possible. In any case it is not a conclusive figure, because the 600 are only about one-sixtieth of the total number of children, and it is quite possible that there might be more than 1 per cent.

23303. One per cent. is the minimum?—I have no *data* to say yes or no as to that. I go by the continental reports, where the figure runs up to 1·6 per cent., and even 3·4 per cent.

23304. Do you think if there were to be a proper examination you would find a larger percentage?—I think so, but, of course, my experience is limited to these 600 children.

23305. In the seventh section of your statement (*page* 155), you advocate the separation of the feeble-minded children from the ordinary school children?—Yes.

23306. Taking those 600 children that you examined, would you separate only the six, or would you separate the sixty-eight? I want to know exactly where the line comes in?—That would have to be considered after a minute medical examination of those children. Among the sixty-eight it is quite possible that there might be some mentally defective, although the teacher had only considered them dull. The examination we made was not made specially for this purpose. It was an examination with another purpose in view, and we did not go minutely into that. If the sixty-eight were examined minutely, I fear that some of them would have to be among those that ought to be separated—that is to say, they were not benefiting as they ought to benefit from the education given in the school.

23307. It makes a great difference to the problem whether you separate the sixty-eight or the six?—Yes.

23308. You are thinking of the separation of a larger proportion than six out of 600?—Probably. I would not say the whole sixty-eight, but you would have to examine minutely those sixty-eight, and probably you might find half a dozen—but, of course, I cannot tell.

23309. You attach importance to the special schools?—Yes, I do, in the interest largely of the normal children, the ordinary children, as well as in the interest of the feeble-minded children themselves.

23310. Have you had experience of that?—I have no experience specially, except from observation of the Glasgow schools.

23311. I suppose you will agree that a considerable proportion of those children do not require the same education as a normal child does?—That is so, and they are not capable of it.

23312. Do you attach importance to having special schools from the point of view of not unduly trying the minds of the defective children?—I think the tendency is to press those children unduly, to give them too much to do, but that may depend on the teachers, because they are trained for the educating of ordinary children, and they may expect too much.

23313. Whatever is done with regard to the establishment of Homes, you still advocate the continuance of the special schools?—The special teachers.

23314. In the ordinary day-schools?—Yes, I think so, on the ground that it is an extremely good method of getting a larger number brought into evidence, as it were, because parents would be much more willing to send young children to special schools than to Homes, and therefore you get them earlier. That is apart from the fact that occasionally you get a fair percentage that may become efficient for normal school purposes.

23315. (*Dr. Dunlop.*) With regard to the question of special schools, I gather from your statement that you are in favour of special schools rather than of special classes in cases where there is true mental defect?—Yes.

23316. When you talk of special schools, do you refer to what are called imbecile asylums in England?—No, I am thinking more of the purely educational side, like Bridgeton School, or the Finnieston School, or the other schools in Glasgow.

23317. The day-schools?—Yes.

23318. Not boarding-schools?—That is so. They are known as special schools by the School Board, and I use the name accordingly. I do not mean places such as the Larbert or Baldovan Institutions.

23319. Do you think the requirements of mentally defective children will be ever met by day-schools?—Not entirely.

23320. So the establishment of day-schools would not obviate the establishment of imbecile asylums. Your special classes in day-schools are for the dull and backward rather than for the mentally defective?—Yes.

23321. You evidently do not agree with the terms of the Act passed recently, or in the course of being passed

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for Scotland, which excludes dull and backward children from the benefits of a special class ?—I was not aware of that Act.

23322. Under the English Education Act the "dull and backwards" are excluded from these classes, while those are the only ones you think would be benefited by them ?—Yes. I go by what is in the Scottish Code.

23323. You do not recommend the establishment of boarding schools by school boards ?—No.

23324. That would be clashing with the function of the lunacy administration of the country ?—I think so, and I do not think that circumstances call for it.

23325. There is more imbecile accommodation required in Scotland ?—I gather so from the evidence submitted, but I cannot speak from my own experience.

23326. You would not lay a provision of that kind upon the School Board at all ?—No.

23327. As regards adults in the poorhouses in Scotland regulated by your Board, insane adults are excluded ?—They are understood to be.

23328. I think your regulations say that no persons of unsound mind are to be admitted into the poorhouses ?—That is so.

23329. As a matter of fact, is that strictly carried out in Scotland ?—No.

23330. You have a very considerable number of persons of unsound mind in the poorhouses at the present time ?—Yes.

23331. Do you consider that to be a satisfactory state of affairs or not ?—So far as the cases are suitable for poorhouse treatment, I think that is satisfactory, and I think the great number are perfectly well looked after and kept from harm. I think that the treatment in the Barnhill Poorhouse is practically very sound—I mean there is no call to put these cases elsewhere.

23332. They are degraded cases that cannot be benefited very much ?—I do not say that they cannot be improved.

23333. When they get restless and claim their liberty and want to get out, it is necessary to control them and keep them in. That cannot be done in a poorhouse ?—No.

23334. So cases that are restless and claim their discharge will be certified and put into asylums ?—Yes.

23335. (*Chairman.*) They can be detained in those poorhouses where they have lunatic wards ?—These are on a different footing—they are really asylums. They are licensed by the Lunacy Board, and we have nothing to do with them directly.

23336. (*Dr. Dunlop.*) As a matter of fact, do you not think it rather unkind to the sane inmates of the poorhouses to put them in the same institution as these insane creatures ?—I agree. I think that some separation is called for, or some special provision.

23337. They might be separated in the poorhouses ?—I think so.

23338. Or in different institutions ?—Yes.

23339. Are these insane in the poorhouses inspected at all ?—Not so far as I know, though I believe the Lunacy Commissioners have power to inspect them if they choose.

23340. They are not in the lunacy books at all—the Commissioners do not take notice of the routine work of the poorhouses ?—No.

23341. That is a matter that requires revision at the present time ?—It is a matter for discussion certainly; but, of course, I understand that the Lunacy Commissioners have the power to inspect wherever they know lunatics to be, or wherever they suspect lunatics to be. I am not quite familiar with the actual clause, but I understand that that is really so.

23342. Take Barnhill Poorhouse, or any other poorhouse without lunatic wards: there is no habitual inspection of them to find out whether the governor of that poorhouse has detained persons of insane mind or not ?—No.

23343. And so there is no check that this rule with regard to the admission of persons of unsound mind into the poorhouses is adhered to ?—No.

23344. Would you advise medical inspection of poorhouses ?—I think so.

23345. When talking about separating the two classes of adults, those of unsound mind and those of sound mind, you would apply that to children too ?—Yes.

23346. You do it in schools ?—Yes.

23347. You said that industrial schools should be enlarged to take in these children ?—What I meant was that that was one kind of extension, but I do not say that it is the only kind.

23348. You would not like to see these schools opened to defective children ?—It is not quite right for me to say anything about these schools, because I am not familiar with them.

23349. At any rate, you do not think it would be a right thing to shut up these children in these schools. You would have two classes of industrial schools ?—Yes.

23350. And the one would be practically an imbecile asylum ?—Yes, but I would not like to be pressed on that point, because I have not considered it specially.

23351. Your principle is to separate the defective from the sound ?—Yes.

23352. Regarding the observation wards, the Local Government Board have relaxed this rule that no persons of unsound mind are to be admitted into the poorhouses in favour of those in the observation wards ?—Yes.

23353. What classes are these observation wards for ?—I have handed in a memorandum which we have prepared in concert with the Lunacy Board, indicating what classes of cases we think are suitable for observation and what are not suitable.

23354. (*Dr. Needham.*) Is that the regulation that was referred to in the footnote in the first print of your evidence ?—Not quite. Those are regulations drawn up in concert with the Lunacy Board ; they are simply the conditions under which the Local Government Board of Scotland are prepared to approve of observation wards in poorhouses, and as a matter of fact they have approved of wards in some half-dozen or so. The certificate is a different thing.*

23355. (*Dr. Dunlop.*) You know the class of persons in whom we are specially interested ?—Yes.

23356. The observation wards give us a particularly valuable means of securing certification of this class ?—Yes.

23357. It facilitates certification by enabling the certifier to observe for so many weeks before ?—Yes.

23358. You would advocate an extension of that ?—Yes, I think it would be advisable.

23359. In your statement you say : "If we can say with certainty that a defect will be inherited, the question of permanent segregation becomes of primary concern." Now, as a matter of practical politics at the present moment, is it possible to say with certainty that a defect will be inherited ?—No. What is needed is a more detailed and minute study of the cases, because in practice it is extremely difficult to separate what is heritable and what is not. I think it is right that we should go further than we do just now.

23360. With our present knowledge, we are not entitled to shut up people because they have some defect, in order to prevent that defect appearing in the next generation ?—No.

23361. (*Mr. Burden.*) I think you said that you were in favour of the continuation of special schools ?—Yes.

23362. You think they should be retained in any case ?—Yes.

23363. Your view was that they would enable an earlier discovery of the feeble-minded ?—Yes.

23364. So the special schools would in a sense become a kind of collecting ground, so that the feeble-minded and the weak-minded might be taken out and sent to other institutions, and the backward retained in the special schools ?—Yes, or put to suitable work. A good many of them get to the point that they are more or less efficient. By the special school you have a chance of getting at them earlier, and you are enabled to redistribute them with

* *Vide page 158, col. 1.*

more knowledge and more prospect of something definite—that is to say, the hopeless go to the one side and the hopeful to the other, and the others would have to be provided for elsewhere.

23365. You think that they form the best sorting ground we can have ?—Yes.

23366. (*Dr. Needham.*) You have issued a memorandum of conditions on which the Local Government Board are prepared to approve the establishment of these observation wards in poorhouses ?—Yes.

23367. I suppose the idea is to go on establishing these as the necessity arises ?—Yes, but only in the places where they can fulfil the conditions laid down here. This is a good deal more stringent than would be enough in the poorhouse.

23368. Is that in consequence of the success of the Glasgow observation wards ?—Partly, and partly from the non-success of lunatic cases incidentally treated in the poorhouses. We found ground enough to make it necessary to issue these regulations.

23369. We understood from one of the Commissioners in Lunacy for Scotland, that the lunatic wards in the workhouses were all licensed by the Lunacy Commissioners ?—Those are the special lunatic wards. They are quite a different thing from the observation wards, which are not licensed. The lunacy wards are special wards in the poorhouses under the direct control of the Lunacy Board.

23370. Then do I understand that in the poorhouses in Scotland insane persons are taken into the ordinary wards as well as into the observation wards, for instance in Glasgow, and you have the lunacy wards specially licensed by the Lunacy Commissioners—you have thus three methods in which lunatics are taken into poorhouses in Scotland ?—I cannot answer yes or no directly to that. I will explain how it arises. One of the questions in the certificate of admission is as to whether applicant is a lunatic, insane, or of unsound mind, with a note to that, saying that no person can be sent to the poorhouse unless it possesses lunatic wards. As a matter of fact, however, we found that a considerable number of persons of unsound mind did find their way to the poorhouses (ordinary wards) even with this certificate. We propose to modify this requirement to meet the case of the observation wards.

23371. Those people who get into a poorhouse by devious methods, apparently, are taken in in opposition to the law; is that not so ?—The law does not exactly provide for them. This administrative rule has been laid down by our Board. If I remember rightly the law provides for weakness or facility of mind—that is the Scottish 1845 Act—so strictly speaking it is not illegal; it is simply an administrative rule that may be modified at any time.

33272. The people so taken in do not get any proportion of the grant that is given for lunatics ?—No.

23373. The observation ward at Glasgow and the observation wards which it is proposed to establish are very similar in character to the receiving houses which the London County Council are proposing to establish ?—I presume they are on the same lines, but I am not familiar with these.

23374. Will you tell me what you mean by your last paragraph, "the revolt against asylum treatment" ?—I think part of the reason for the establishment of those observation wards has been that the general public are resenting the going to asylums because it means loss of wages and loss of employment and general economic deterioration, as it were, and partly because they prefer to remain in the poorhouse, as it has not the reputation of being an asylum. It is just the public revolt against asylum treatment. Perhaps that is too strong a word to use; I think it should be "public resentment."

23375. Do you think that there is a strong feeling among the population of Scotland with reference to what is called "the asylum stigma" ?—There always has been. We had evidence of that from inspectors of poor in connection with our Departmental Committee three years ago, and everyone of them declared that that was so.

23376. Do you think that if the feeble-minded were certified and were placed under the Board of Lunacy that would rather militate against the success of any scheme for segregation, because people would have the stigma attaching to them ?—I do not think it would help the movement, it would rather hinder it.

23377. It would decidedly hinder it ?—It is rather a question for consideration, because if you take the elaborate means suggested to find the really feeble-minded, I do not know that there would be the same objection to segregating them. But it is rather difficult to answer that question.

23378. I notice you say that the consent of the Local Government Board must be obtained for any portion of the poorhouse being set apart for cases of mental disorder. What authority have the Local Government Board over the lunacy wards in a workhouse licensed by the Commissioners ?—They have no control at all, so far as I am aware.

23379. Then in a poorhouse in Scotland you have two central authorities ?—There are two central authorities, but there are two separate things. Our Board takes no concern at all with the licensed wards. It is an accident that these wards are associated with the poorhouse.

23380. But they are under the same administration ?—They are under the same governor—that is so.

23381. And yet you have the authority which has control over the workhouse master having no control over wards in which he has control, and you have the Lunacy Commissioners having control over the master and yet not over other wards over which he has control ?—That is true, but there has been no friction. I have been for six years connected with the Local Government Board, and I have never heard a complaint.

23382. I notice that in your conditions on which the Local Government Board are prepared to approve of the establishment or continuance of special wards in poorhouses for the observation cases of temporary mental disorder, you state that at least 1,000 cubic feet of air space and 100 square feet of floor space should be allowed per bed. Is not that very much in excess of the amount allowed in asylums ?—I am not aware. I am not familiar with the asylum cubic space, but that has been gone over with the Lunacy Commissioners.

23383. Is not that nearly three times as much as the English Local Government Board lay down ?—I do not know as to that, but I think 100 square feet is a very fair figure.

23384. (*Dr. Dunlop.*) These are special wards ?—Yes, for acute cases requiring nursing. The great majority are treated in bed.

23385. A thousand cubic feet is less than is required in an hospital ?—It is distinctly less.

23386. But you give 1,000 cubic feet for everybody that is brought in, persons who are alcoholic and who have got mental symptoms associated with that, and all the acute cases which are brought in—you give 1,000 cubic feet to each of them ?—Yes.

23387. That was not thought to be excessive ?—No.

23388. And the expenditure involved was not thought to be excessive ?—No, but we do not have directly to do with that. We do not consider it excessive. So far as I have any *data* to go on, I believe the expense would be pretty much the same as in the asylums, for those Glasgow wards particularly.

23389. On the score of expense there would not be much difference in sending them to these wards ?—No.

23390. The only advantage is that they there avoid the stigma of lunacy ?—Yes. Perhaps it will be cheaper in Dundee. It varies in the different places.

23391. (*Mrs. Pinsent.*) You express the strong opinion that defective children in ordinary schools do a great deal of harm to other children ?—Yes.

23392. You are very firmly of that opinion ?—Yes. It is desirable to separate them.

23393. You expressed the opinion that it would be desirable to separate them at a later age, and you think it is very unwise to educate them together ?—Yes, I think so. It is impossible, it cannot be done.

23394. You say in your statement that about 1 per cent. would be defective. That would mean a very large

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number of children in a place like Edinburgh ?—There are 40,000 children in Edinburgh, so that 1 per cent. would be 400. That is an outside figure probably.

23395. There would be from 300 to 400 such children in Edinburgh alone ?—Yes.

23396. That is leaving out of consideration the rest of Scotland ?—Yes.

23397. To provide for these children in residential boarding schools or training establishments, such as Larbert would be a very great expense to the country ?—Yes, but I would not propose that.

23398. You do not propose or think that it would be desirable to educate the whole of these defectives in boarding schools ?—No. Some of them would be in boarding schools, but a great many are well provided for at home.

23399. You say that it is desirable that they should be turned out of the ordinary day schools for the sake of the other children ?—Yes.

23400. You must train them if they are trainable ?—Yes.

23401. And that is the reason why you would recommend day special schools ?—Yes. Of course the Scottish Code contemplates it and provides for it.

23402. You think it is possible to give such education as is sufficient for a very great number of them ?—Yes.

23403. That is to say, sufficient until they reach the age at which they could leave school ?—Yes.

23404. There might be a few of them who would be too defective to attend a day school ?—Yes.

23405. But they would be only a small proportion of the 1 per cent. ?—Probably, but I cannot say, as our *data* are so limited. Glasgow is the only case we have to go upon.

23406. Really the point I want to arrive at is this: if it is so bad for the ordinary school children to have the defective children in the same school with them, and they are turned out of the day schools, then some provision must be made for them ?—Yes.

23407. It would be a very great expense to put away 1 per cent. into boarding establishments ?—Yes, even if it were desirable.

23408. I should like to ask one more question about industrial schools. I expect in your great experience you must have seen cases which would be received into industrial schools except for the fact that they are mentally deficient and therefore not eligible ?—As I said, my experience of the industrial schools is not very great.

23409. You have had some experience of defective children ?—Yes, but I have had no experience of the management of defective children.

23410. You will be aware of the fact that they are very frequently truants ?—Yes.

23411. And they are apt to get into street mischief which with the ordinary child would justify a magistrate's order sending him to an industrial school ?—Yes.

23412. But these same children are refused because of their mental deficiency ?—Yes.

23413. It has been suggested that there should be a special industrial school to take mentally deficient cases ?—I see no objection to that.

23414. You think that that might be a desirable plan ?—I think so.

23415. When they come within the clutches of the law there should be a special kind of industrial school for them ?—Yes.

23416. You think that that might be desirable ?—Yes, I think so.

23417. (*Chairman.*) Have you anything you would like to add with regard to your suggestion about a more thorough medical examination of all elementary school children. Is that an examination of all children irrespective of defects ?—Yes, I think there is a well made out case in the report of the Royal Commission on Physical Training (Scotland) and also in the report of the Physical Deterioration Committee, and still further in the reports of the two later Inter-Departmental Committees for a universal inspection of school children, certainly on admission.

23418. It would entail a very heavy expenditure ?—Not necessarily, if it were conducted on lines similar to what is done in Wiesbaden or Nuremberg. Wiesbaden is a town with a population of about 90,000 and with 10,000 school children. The total expense there is only £250 a year.

23419. Would you suggest that medical officers to conduct the inspection should be appointed by the central authority ?—No, they should be appointed by the educational authorities. It is a matter for the educational authority as being *in loco parentis* to the child, as it were, to see that the children admitted are fit to be educated.

23420. Would you not run the risk in that case of sometimes having medical officers appointed who were perhaps not very conversant with the work ?—That is very true.

23421. Do you think that they should be appointed by the local authority ?—Yes, I think they should be made responsible for that work.

23422. Is there anything else you would like to add ?—I should like to hand in this memorandum of conditions and also the memorandum as to cases suitable for treatment in the observation wards of a poorhouse. (*Vide Appendix to Statement, page 156.*) This is an indication of the class of case that might be considered suitable for observation as a sort of direction to the medical officers of parish councils and others concerned as to what kind of thing they should consider and what kind they should exclude without qualification. It is impossible to be more definite in a new line of development such as this. This memorandum has been drawn up in concert with the Lunacy Board. The certificate is a simplified form that we propose to issue at the same time.

23423. (*Dr. Needham.*) What you are referring to now are the regulations referred to in the Appendix to your Statement (*page 156*), "Regulations to be handed in," that is to say, regulations issued by the Local Government Board for observation wards in poorhouses. Are those what you refer to, or is there a separate set of regulations agreed to between you and the Lunacy Commissioners ?—This memorandum on the observation wards is a memorandum of conditions on which the Local Government Board are prepared to approve of the establishment of special wards in poorhouses for the observation of cases of temporary mental disorder. On the back of the revised certificate we put a memorandum as to cases suitable for treatment in the observation wards of a poorhouse. This is a rough direction to medical men.

23424. I am only taking your own words. You say that in Scotland the Central Lunacy Board and the Local Government Board co-operate, and recently you issued regulations, and you put at the end of the proof of your Statement of Evidence, "Regulations to be handed in" ?—What I refer to are the regulations to be handed in. They were not ready at the time I wrote my Statement of Evidence.*

23425. (*Mr. Byrne.*) I would like to ask on the general question as to whether defective-minded paupers should be dealt with by the Poor Law authorities, or whether it would in general be expedient to remove them. You have advised that there are certain cases of persons who might be detained although they are not necessarily criminals. Are those people to be under the control and inspection of the Poor Law authority, or, having been ascertained to be defective, should they be put under the Lunacy Board or some authority ? What is your opinion as to that ?—In Scotland the local authority is made responsible for the local administration under the supervision of the central authority and the central authority has no direct power to do the administrative work.

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*Note by Witness.*—*Papers handed in were (a) Memorandum of Conditions on which the Local Government Board are prepared to approve of the establishment or continuance of Special Wards in Poorhouses for the observation of cases of temporary Mental Disorder; (b) Revised Form of Admission Certificate, with Memorandum as to cases suitable for treatment in the Observation Wards of a Poorhouse. Memorandum (a) is referred to as "Regulations."

The local authority does it itself. It would make practically no difference in the actual practice in Scotland what was done, because normally the parish council, as the local lunacy board, would be the same local authority as the administrators of the Poor Law?

23426. It is not of any importance in Scotland?—No, I do not think so, because our Board and the Lunacy Board work very smoothly together.

*W. Leslie Mackenzie, Esq., M.A., M.D., D.P.H., M.R.C.P.E., F.R.S.E.*

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23427. The local authorities would be the same whether acting as Poor Law authorities, or general authorities?—Yes, in point of fact the parish councils have to do with the local asylums as well as with the poorhouses.

R. B. BARCLAY, Esq., I.S.O., called; and Examined.

23428. (*Chairman.*) You have been so kind as to give us a statement of your evidence; may we put it on our notes?—Yes.

STATEMENT OF THE EVIDENCE PROPOSED TO BE GIVEN BY R. B. BARCLAY, I.S.O., ESQ., GENERAL SUPERINTENDENT OF POOR HOUSES, LOCAL GOVERNMENT BOARD, EDINBURGH.

I have been General Superintendent of Poor for upwards of fourteen years. My Poor Law duties include the inspection of all the poorhouses in Scotland and all the parishes in the south-western district—that is in the counties of Lanark, Renfrew, Ayr, Dumfries, Kirkcudbright and Wigtown. I have been on the staff of the Board of Supervision and Local Government Board for upwards of thirty-seven years.

Parochial Boards (now superseded by Parish Councils) were empowered to erect poorhouses by the Poor Law Act of 1845, section 60, where the population of the parish exceeded 5,000, and by section 61, Parochial Boards (now Parish Councils) of two or more contiguous parishes were empowered to combine to erect a common poorhouse.

The preamble of section 60 which by the Statute Law Revision Act of 1891 may be omitted, but has not been repealed, is:—

"And whereas for more effectually administering to the wants of the aged and other friendless impotent poor, and also for providing for those poor persons who from weakness or facility of mind or by reason of dissipated and improvident habits are unable or unfit to take charge of their own affairs, it is expedient that poorhouses should be erected in populous parishes."

This describes very accurately the classes of poor which are to be found in our smaller poorhouses.

You have had evidence from Mr. Motion, the inspector of poor of the largest parish in Scotland, which has the largest poorhouses, and I understand you are to have evidence from other officers connected with large establishments. I propose therefore to confine my evidence to the smaller poorhouses and to the classes of inmates to be found therein.

At 31st December, 1905, there were seventy poorhouses in Scotland, having accommodation for 18,263 inmates. The number of inmates in these poorhouses was at 1st January, 1905, 14,783; at 15th May, 13,255; and at 1st July, 13,266.

Of these poorhouses twenty-four were parish poorhouses under Section 60 of the Act, and forty-six combination poorhouses under Section 61.

Twelve had wards licensed by the General Board of Lunacy for the reception of lunatic pauper patients.

At 31st December last, the poorhouses situated in towns and serving populous urban districts were full, or nearly full, but the excess on the normal occupation was not caused by persons suffering from weakness or facility of mind; but among the normal population of these houses there is always a considerable number of weak-minded persons. A large proportion of the excess at this time was, no doubt, from persons of dissipated and improvident habits. This latter class are, of course, the first to suffer from scarcity of employment.

The poorhouses in the country districts were not at the above date unusually full from the poor of the districts which they accommodate. A large proportion of the inmates of these smaller and country poorhouses show weakness or facility of mind.

Admission to the poorhouse is obtained on an order from the inspector of poor of the parish where applicant applies. The order must be accompanied by a medical certificate in a form prescribed by the Board.

In this certificate the medical officer has to give a categorical reply to the question:—

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"Is applicant or any dependent 'Lunatic, insane, idiot, or of unsound mind,'" and it is pointed out on the certificate that "No person so described can be legally sent to, or received in a poorhouse, unless it possesses licensed lunatic wards, and then only with the sanction of the General Board of Lunacy."

Previous to my appointment, it was found that the answer to the above question was frequently evaded either by an omission to answer the question altogether, or by making some such remark as "weak-minded" or "formerly in asylum," etc. The Board issued circulars pointing out that any deviation from the proper categorical reply would be regarded as a grave offence, and instructing the governors of poorhouses that, if a certificate is defective, it is his duty to send for the medical officer of the poorhouse, and obtain from him a certificate in the prescribed form. It is now very rarely that I find a defective certificate. In addition to the caution given by the Board, it has come to be generally understood that if the medical officer of the poorhouse is called on to give a certificate, he is entitled to be paid for it. The few cases in which I have found defective certificates have generally been where the certifying medical officer was also medical officer of the poorhouse, and he probably wished to have further opportunity of examining the pauper as an inmate.

It was at one time proposed that the certificate should be "Is applicant (or pauper) sane," but the suggestion was not adopted, as, while there are ready tests for defining insanity or unsoundness of mind, there is no immediate test of sanity.

It may therefore be assumed that all the inmates admitted to the ordinary wards of our poorhouses are certified not to be "lunatic, insane, idiot, or of unound mind."

It is, however, the fact that many of the inmates admitted to our poorhouses suffer from "weakness or facility of mind," or become so during their residence therein.

There are young people whose mental development has ceased at an early age, who cannot be classed as idiots, but who have been found incapable of receiving educational training. I may illustrate my meaning by the case of a lad of twenty-two who has been in a small poorhouse since a boy. He is a capital worker, can clean the brasses, sweep the rooms, wash the dishes, and set the dinner in the dining-hall, and understands and obeys any instruction given to him, but it would never occur to him to do anything of his own accord. He is cleanly in his habits, but cannot enter into conversation, and has no will power of his own.

There are men in the prime of life, of good education, who are incapable of doing more than the drudgery of copying letters and invoices.

There are women who have had several illegitimate children, and who are of low mental type and facile disposition. I may note a case where I had recently to examine a woman of this class. She is known to have had ten illegitimate children. She can neither read nor write. She could not tell me, counting on her fingers, how many children she had. In this same poorhouse there is a feeble-minded mute who has had seven illegitimate children. Another illegitimate woman has had ten illegitimate children; her eldest daughter is following in her footsteps, and two of the young children (twins) show signs of weakness. In another small poorhouse with nineteen female inmates, thirteen were infirm and sick, four were epileptics, and three weak-minded; one of the latter has had three illegitimate children, and all the three women are not allowed out as they are sent

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there for protection. In another small poorhouse there are five women. Two sisters, one weak-minded, have three illegitimate children each—one to a near relative. One woman is a deaf and dumb mute of low intelligence and two are infirm. I may mention the case of a woman now in a small poorhouse suffering from venereal disease. She has an ungovernable temper, and is destitute of any feelings of modesty. Her husband is also in this poorhouse, a mental and physical nonentity. Her father put her out of the house one night for her bad conduct, when she was sixteen years of age, and this man, who was passing at the time, took her to his house and married her. She has had six children, and has been prosecuted for neglecting and ill-treating them.

My experience leads me to say that the class of women who come to our poorhouses with more than one illegitimate child are generally of feeble mind.

We have also in our poorhouses many epileptics. They are a constant source of anxiety to the officials, and it is a marvel to me that we have not many serious accidents occurring among them. In the smaller poorhouses they are under no official supervision, but are looked after by other inmates. The medical officers as a rule endeavour to have the fits removed from day to night, which is a great safeguard.

There are also in our poorhouses many cases discharged from asylum as recovered, but so feeble-minded as to be unable to maintain themselves outside. These inmates sometimes lapse, and have to be sent back to the asylum. They have no special attention in the small poorhouses, and the monotony of their lives does not improve their mental condition. If young or middle-aged persons leave the asylum cured or improved, they are not, as a rule, sent to the poorhouse. The cases we have in poorhouses are mental and physical wrecks, often from their own previous bad conduct, and are not likely to be benefited by any ameliorative treatment. They are not of a class which could be boarded-out. No guardians would have them at a rate which the parish could afford to pay, and which it would be fair to the ratepayers to spend on them.

There are also many senile cases. In the smaller poorhouses, a large proportion of the inmates are over seventy years of age. In some cases they have been in the poorhouse for years, and have been preserved to senility by the good treatment they have received. In other cases, they have been sent in as they were unfit to look after themselves and had no one to look after them.

With reference to the "Ins and Outs" I may say that there is scarcely one of the smaller poorhouses that has not at least one case of this kind, but I cannot say that those which have come under my notice are feeble-minded.

23429. (*Mr. Dickinson.*) I notice that you have the supervision of all the poorhouses in Scotland?—Yes, that is so.

23430. There are seventy poorhouses?—Yes.

23431. Of these only twelve have observation wards?—Yes.

23432. The remaining fifty-eight are poorhouses in which a lunatic ought not to be detained?—That is so.

23433. In your experience they are not detained in these poorhouses?—No statutory lunatics are detained in them.

23434. On whom rests the decision as to whether a person who is in the poorhouse shall be under the lunacy authority or not?—The medical officer—in the first place at admission the certifying medical officer from the outside, and then if lunacy appears after the inmate has been in the house for some time the governor or some other official will bring the inmate under the notice of the medical officer and will have him certified.

23435. Would the Local Government Board concern itself with the question as to whether lunatics are properly sent from the poorhouse to the asylum?—No.

23436. What superior authority would concern itself with that question?—They would be certified in the same way as if the lunacy had occurred outside; they would be certified by two medical men and sent to the asylum just as if the lunacy had occurred outside.

23437. There is an inducement to the poorhouse authorities, through the grant for lunatics, to certify these people?—Not very great, because the cost in the lunatic asylum is so much higher than in the ordinary wards of a poorhouse, that in some cases the expense, even with the grant, would be greater in the asylum than it would be if they were left in the ordinary wards of the poorhouse.

23438. Then I may take it that there is no inducement?—Not generally. There might be in some poorhouses, but that is not general throughout the country.

23439. In some poorhouses it would act adversely to the ratepayers if the poorhouse sent the inmates to the asylum?—Yes. There is the same inducement with regard to the outdoor pauper to have him certified as insane and get a share of the grant as there is with regard to an inmate of the poorhouse.

23440. In what way if the cost is more?—They get a share of the grant for a certified lunatic. If a person was receiving an outdoor allowance and showed symptoms of insanity, if they had him certified as a lunatic they might get half of his cost, remaining exactly where he was before, under the supervision of the General Board of Lunacy.

23441. I notice that you state that the lunacy certificate must take the form of certifying that the persons are lunatic, insane, idiot, or of unsound mind?—Yes.

23442. That is a pretty wide admission?—Yes; might I explain, those are the words in the Lunacy Act.

23443. Then you go on to state that cases have arisen in which the certifying authority became rather of the habit of extending that definition and certifying persons who were really weak-minded?—Yes, I mean to say that persons were sent into the poorhouse who were really insane, and the certificate was defective in saying that they were weak-minded or formerly in the asylum. The words of the statute were not used.

23444. You say "sent to the poorhouse." I understand we are dealing with people sent into the lunatic asylum or lunatic wards?—No, I am dealing throughout with the ordinary wards. The question is, "Is the person lunatic, insane, idiot, or of unsound mind?" and the answer should be "No," if they are to go into the ordinary wards. That is what I mean.

23445. Then a person in order to be admitted into the ordinary wards of a poorhouse has to be certified as not of unsound mind?—Yes.

23446. You found that the certifying authorities were in the habit of certifying persons as weak-minded or being formerly in the asylum?—Yes.

23447. You put a stop to that?—Yes.

23448. What was the object of your putting a stop to that?—Danger to the other inmates. These people are perhaps really insane, and we have had cases where violence has been used to the other inmates of the poorhouse and to the officials because they were admitted on these defective certificates.

23449. The defective certificates stated that the persons were not weak-minded, and you have prevented their saying that now?—The certificate did not say they were not insane, but it said that they were weak-minded.

23450. I see; I beg your pardon. Your decision was to keep weak-minded persons out of the poorhouse?—If they were insane. We wished the certifying medical officer to make sure of the state of their mind before sending them to the ordinary wards of the poorhouse; to make a proper examination, instead of merely having a conversation with them and saying that they were just weak-minded. They evaded giving a proper reply to the question.

23451. You tied them down to saying that they must be not of unsound mind?—Yes.

23452. What was the result on the weak-minded persons who were not of unsound mind?—"Weak-minded" is not a statutory definition of lunacy.

23453. They got into the poorhouse?—Yes, but many came into the poorhouse and turned out to be actually insane. That was the point.

23454. Let me carry that on. In your statement you give certain cases, and you mention the case of an illegitimate woman who had ten illegitimate children. "Her eldest

daughter is following in her footsteps, and two of the young children (twins) show signs of weakness." Those cases are cases that have been admitted into the poorhouse as being persons who were not of unsound mind ?—Yes.

23455. And you say they were persons that were of unsound mind ?—I would say that they were feeble-minded.

23456. Are they not persons that would legitimately have been treated as being of unsound mind ?—I do not think any of those cases could have been certified as insane and fit for treatment in an asylum. I do not think any medical man would have certified them as being insane.

23457. And the result of not certifying them is that they go in and out of the poorhouse as they like ?—That is so.

23458. If they had been certified they would have been detained ?—Yes.

23459. They would have been detained in the lunacy wards of the poorhouse ?—In one of those cases there are lunacy wards; I do not think they would have been proper subjects for detention in the lunacy wards of the poorhouse.

23460. Would you go so far as to say that they are not persons who ought to be detained ?—I think they ought to be detained, but not in any institution that we have at the present time.

23461. Why not ?—Because I do not think that they would be proper cases for detention in an asylum. The cases that are sent to the lunacy wards of a poorhouse are what we call fatuous cases. None of those women could have been so described.

23462. You would not mix these people ?—I do not think the Lunacy Board would agree to that class of case They are very careful as to the class of cases they send to the lunacy wards of a poorhouse.

23463. There must be some institution to which these persons should be sent ?—Yes.

23464. And what class of institution is in your mind if it is to be neither an asylum nor a poorhouse ?—Something of the nature of a labour colony. That is what I have had in my mind for some years.

23465. For feeble-minded persons only ?—You might have it for different classes. It is a very extensive thing to give an opinion about.

23466. It is what we are trying to find out about ?—The cases they send to the lunacy wards of a poorhouse, what I call fatuous cases are those that are not curable; the definition is "harmless and uncurable."

23467. Surely those women are also incurable ?—If they had been shut up earlier they might have been cured.

23468. Can you not develop what your idea would be ?—We have not anything of the kind in this country that I can compare it to, but I think it would be a good thing if we had some labour colonies instituted. These women would be quite able for work if they were only kept separate from the rest of the population.

23469. (*Mr. Byrne.*) What in your opinion is the state of affairs indicated by your experience of the workhouses ? Are there a large number of people going in and out of the workhouse whose occasional freedom is a great expense to the State ?—Yes, there is a large number in the town workhouses.

23470. You agree with the last witness that there is a class or several classes of people for whom compulsory powers of detention ought to exist ?—Yes, but not in a poorhouse.

23471. If they were detained in a poorhouse it would have to be modified for permanent detention in the direction of being a place where they would have fresh air and more opportunities for work. You would like to make them all work except the seniles ?—Do you mean the ins-and-outs ?

23472. Yes ?—I would make them work.

23473. And that is one of the ideas that brings the labour colonies to your mind ?—Yes.

23474. Would you give us in more detail what sort of people you would have in your labour colony if it was started ? On the female side, you would have these feeble-minded women who had an illegitimate child every time they went out ?—Yes, and young men of improvident habits.

23475. And those who through want of energy and through incapacity, even without vice, could not maintain themselves ?—Yes, who were not able to provide for themselves outside.

23476. You would expect that under supervision they would do more towards maintaining themselves than they would do outside ?—Yes.

23477. And if treated in that way would they be a less heavy burden on the community than they are now ?—Whether less or not I could not say, but it would be worth the money.

23478. You think it would be worth trying ?—Yes.

23479. Have you many people in the poorhouse who have frequently been in and out of the poorhouse ?—Yes, a great many.

23480. Inebriates to a large extent ?—Yes.

23481. Are there many people in the poorhouses in Scotland who are perpetually being received because they get violently drunk and get *delirium tremens* and so on ?—Yes, a large number in the town poorhouses.

23482. Some of them do that several times a year ?—Yes.

23483. Is that a criminal offence ? Can you punish a man for making himself chargeable for repeated drunkenness ? Is it a punishable offence if he throws himself on the rates ?—Not for throwing himself on the rates. But if he is apprehended by the police as being incapable and unable to look after himself they take him to the police station, but the fact of applying for the rates is not a criminal offence.

23484. Do you think that a man like that ought to be really in an inebriates' reformatory ?—Most certainly, if it is to do him any good.

23485. Would you recommend that change of the law ? We have some witnesses who have recommended it to us. You know the Inebriates Act ?—Yes.

23486. For certain repeated offences of drunkenness you can put a person in a reformatory for a period not exceeding three years ?—Yes.

23487. Making yourself chargeable to the rates through drunkenness is not one of the offences ?—No.

23488. Would you like to make it an offence for making yourself chargeable, or your wife and family chargeable ?—I would send such a person to a labour colony.

23489. In fact that colony might be as suitable for a large class of inebriates as it would for a large class of feeble-minded persons ?—Yes.

23490. And you are aware of no reason why they should not be run by the same manager and under the same conditions ?—That is so. They are very much of the same class so far as I can see. I think giving way to drink is very often the result of feeble-mindedness.

23491. And you think they ought to be dealt with in the same way ?—I think so.

23492. (*Dr. Needham.*) If a person has to be certified as not insane before he comes into the poorhouse, how is it that so many people are admitted who are not sane ? Is it only because the doctor evades the question by saying that this person is feeble-minded ?—A great many of them are not so feeble-minded as to be certified insane. I have given you the description in the statute.

23493. What becomes of the ascertained cases in their inception ? In England, of course, they are sent in considerable numbers to the workhouse and then drafted off to the asylums, but that would not be justifiable in Scotland ?—There are very few of the feeble-minded in poorhouses that land ultimately in the asylum in my experience.

23494. But there must be a certain number of ascertained cases which do not go direct to the asylum. For many reasons they require to have temporary care taken of them. Are they sent to the workhouse ?—No. That is what we are providing for in these observation wards.

23495. They are not sent to the workhouse, and you have no provision except the asylums ?—Except in those three poorhouses that Dr. Mackenzie told you about.

*R. B. Barclay, Esq., I.S.O.*

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23496. Every now and again it happens that you cannot take the requisite steps to get a person into an asylum to enable him to be taken care of promptly?—I think so.

23497. Suppose you have a person who becomes dangerous and violent on the afternoon of a particular day, what are you to do with him till next morning? Can you bring the requisite machinery into operation?—Do you mean if the person is in the workhouse?

23498. No, but a person who might go to the workhouse, a person in that position of life?——

23499. (*Dr. Dunlop.*) This is quite outside Mr. Barclay's function. The case would be dealt with by a certificate of one medical man.

23500. (*Dr. Needham.*) He would not go to the workhouse.

23501. (*Dr. Dunlop.*) No.

23502. (*Dr. Needham.*) My point was that he would not go to the workhouse to be taken care of.

23503. (*Dr. Dunlop.*) No.

23504. (*Witness.*) I never knew of any difficulty arising. You can always get a couple of able-bodied men or women to look after the person till next morning. They do not go into the poorhouse.

23505. (*Dr. Needham.*) If you get your lunatics in the workhouse, by whatever process you like, either by the medical men saying that they were feeble-minded or not insane, what is to prevent their being permanently retained in the workhouse? Who visits the workhouse to see that they are not detained there? The Lunacy Commissioners do not visit the workhouses?—That is so, but they may if they choose. I have never known of them doing it unless we have asked them to do so. In several cases I have asked them to visit several workhouses where I was suspicious of the sanity of some of the inmates, and they have done so.

23506. And it has resulted in the certifying of a considerable number of lunatics?—Of a few.

23507. As regards the feeble-minded in the workhouse that you get now, is it not the fact, as it is in England, that a considerable number of them discharge themselves and get into trouble in consequence? Is there any process by which they are prevented discharging themselves in Scotland?—There is no process, but I do not think there is any great difficulty as a rule. They have no great strength of will, and they can be persuaded to remain. I was in a Western poorhouse on Friday last, and there was a girl of exactly the class that I have in my mind who came to the matron and said she wished to get out to-morrow morning, that she was going away to Oban, The matron said, "All right, I will see you afterwards. I will see you to-morrow morning." By to-morrow morning she would have forgotten all about it. There is no compulsory detention, and I think, as a rule, there is no abuse in that respect.

23508. But suppose some other person than the girl herself wished to have her out of the poorhouse for purposes of their own, immoral or pecuniary, what is to prevent their exercising their stronger will over the girl's feeble will? Is there no detaining power?—The governor would not allow her out without instructions from the parish council which sent her in.

23509. How is he to detain her?—He would detain her.

23510. But how can he do it legally? Has he any legal power to do it?—No person has a right to take her out unless he or she is her guardian.

23511. Suppose it is her father or mother?—Then they could take her out.

23512. There is no power of detaining in that case?—No.

23513. (*Mr. Dickinson.*) You say with regard to these women that all the three women are not allowed out as they are sent there for protection. Now, how is that?—What I mean is that in most of the poor houses, in the country especially, there is a "liberty day," when they are allowed to go out and see their friends perhaps once a week or once a fortnight. Now, those women are not allowed to go out on that day. That was what I had in my mind. If they demanded their discharge they could only be prevented from going out by the means I have already spoken of, namely, putting them off from day to day. There is no compulsory detention.

23514. (*Dr. Needham.*) But they are detained?—Yes.

23515. There is no compulsory power of detention?—That is so.

23516. In other words they are detained illegally?—If you like to put it that way. I cannot help it.

23517. (*Chairman.*) It is only persuasion?—Yes.

23518. There is no forcible detention?—No.

23519. (*Mr. Burden.*) You refer in your statement to the class of women who come to the poorhouse for the purpose of giving birth to illegitimate children. Is there a large number of these in Scotland?—Not now, but there used to be a large number. Two or three poorhouses were notorious in that respect. The number has decreased very greatly.

23520. What has caused it?—I attribute it myself to the domestic servant difficulty. There is one poorhouse where I have a list that I now hand in (*vide infra*), a poorhouse in a dairying county where there are a great many young women milkers, and they are very much led astray. Twenty years ago it was the rule for them to go to the poorhouse; I do not know where they went afterwards. Now there is such a scarcity of female labour that the mistress gets them put in a cottage till their time is over, and then they are back to work again.

Table showing mental condition of women in two smaller poorhouses, who have had more than one illegitimate child :—

*R. B. Barclay, Esq. I.S.O.*

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| Mother. | Number of Illegitimate Children. | Mental Condition. | |
|---|---|---|---|
| | | Mother. | Children. |
| M. K. | 4 | Low and coarse. Father, weak-minded. | As far as known, normal. |
| H. D. | 2 | Normal. | One a certified lunatic. |
| E. L. | 2 | Feeble-minded. | One feeble-minded. |
| M. McN. | 2 | Very feeble-minded. | One child feeble-minded. |
| J. P. | 10 | Feeble-minded. | As far as known, normal. |
| L. G. | 7 | Feeble-minded mute. | As far as known, normal. |
| M. S. | 3 | Feeble, mother and grandmother known to be illegitimate. | Fairly normal. |
| E. K. | 3 | Feeble, has been in asylum. | One of the children is feeble-minded. |
| A. W. | 3 | Feeble. | One child imbecile. |
| M. J. | 3 | Feeble. | As far as known, normal. |
| J. L. | 5 | Feeble. | Youngest, feeble-minded. |
| M. W. | 2 | Feeble. | One feeble-minded. |
| M. W. | 2 | Very feeble. | One feeble-minded. |
| J. N. | 10 | Normal. | Two (twins) feeble-minded. |
| E. McN. | 8 | Feeble. | Unknown. |
| B. T. | 2 | Feeble. | Unknown. |
| N. M. | 2 | Low type. | Normal. |
| E. S. or H. | 9 | Almost imbecile. | Only three alive, feeble. |
| C. S. or S. | 2 | Feeble. | One alive, feeble. |
| M. McN. | 2 | Violent temper, syphilitic. | First, bright. Second, feeble. |
| C. McG. | 3 | Weak minded. | Dull. |
| A. B. | 2 | Very feeble. | Died in infancy. |

R.B.B.,
Local Government Board, Edinburgh.

23521. You think the number is as great, but they do not go to workhouses for the reason you have given ?—That is so. The numbers are as great, as is shown by the figures of the Registrar-General.

23522. Would you suggest some power of detention over such women who give birth to illegitimate children ?—Yes, I think it would be a great benefit.

23523. Would you limit the power in any way ?—Yes, it would require to be very carefully guarded.

23524. Would you advise the detention of a woman who came in a second or a third time ?—I think if a woman came in for the second time she ought to be examined by an expert in mental disease.

23525. And then if found to be deficient ?—Then she should be taken before some competent authority.

23526. And detained for how long ?—I would keep her till she was past the child-bearing age, at any rate.

23527. (*Dr. Dunlop.*) There are not very many imbecile mothers of illegitimate children in Scotland ?—In some counties there are a great many illegitimate births.

23528. In some counties the rate is about 10 per cent. ?—Yes.

23529. But all the mothers are not imbecile ?—No.

23530. It is only a very small number of them that are imbecile ?—Yes.

23531. So when you are talking about making provision for these defective mothers the total number in Scotland would not be very great ?—No, it would be very small.

23532. You heard what Dr. Mackenzie said about the detention of persons of unsound mind in poorhouses ?—Yes.

23533. He thinks it objectionable to detain sane and insane persons in the same building. Do you agree with that ?—No.

23534. Do you think it is fair play to the sane people to be shut up with the insane ?—I do not think those people are insane.

23535. Are you not aware of batches occasionally being certified ?—A few.

23536. There was a large batch not very long ago in one of the poorhouses ?—Is that Stornoway that you refer to ?

23537. No. There were thirty-five from one poorhouse in one day. That rather breaks down this line between certifiable and not certifiable ?—I was not aware of that.

23538. At all events you agree that a great many of them are of unsound mind ?—Yes. Of course, I was dealing with the country poorhouses principally, the smaller poorhouses.

23539. But we are thinking of the bigger ones too ?—Yes.

23540. Do you think it is fair play to a person of sound mind to be shut up along with persons of unsound mind ? I do not think it will do them any harm as long as these people are not dangerous to themselves or annoying to the other inmates.

23541. Do you think it is humane treatment of the unfortunate sane people to be shut up in a ward along with a lot of drivelling idiots ?—I have not found them to be drivelling idiots in my experience.

23542. Do you think that is too degraded a term to use ?—Yes, for the class to which I refer.

23543. But you will find extremely degraded persons in poorhouses in the ordinary wards; I have seen them ?—There are some in some cases.

23544. I saw a case last week that could not tell me whether I held up two or three fingers; and then you see them dirty in their habits ?—Yes.

23545. Is it fair play to the sane people to be shut up with those persons ?—I think there ought to be classification.

**Questions 23546 to 23552.**



*R. B Barclay, Esq., I.S.O.*

11 June 1906.

23546. Separation ?—Yes.

23547. As a matter of fact that clause that they must not be of unsound mind is not fully and properly carried out in Scotland at the present moment ?—It is not. Of course where I differed from Dr. Mackenzie was that I understood he meant that these people should be removed to some other institution. It was rather difficult for me to hear what he was saying.

23548. You go the length of advising an extension of the certified wards to take in these people ?—Yes.

23549. That is a division ?—Yes, a classification.

23550. (*Chairman.*) Is there anything you would like to add ?—I heard part of Dr. Mackenzie's evidence with regard to the observation wards. I think he was asked about an extension of these wards throughout the country. I believe that arrangements are being made or are in contemplation with different parish councils to use wards in a central place; for instance, the parishes round about Glasgow would use the wards either in Govan or Duke Street; and in different country districts instead of having wards connected with each poorhouse, they should have a central poorhouse that they could use for observation. In that way I think the system will become pretty general throughout Scotland. The suggestion of the Board has been taken up very favourably.

23551. (*Mr. Byrne.*) Are the people who go to these wards in any way certified now ? Are they certified for six months ?—No, they are not allowed to remain for more than six weeks. Dr. Mackenzie has handed in the form of certificate which the Board are going to issue.

ALEXANDER HENDERSON, Esq., called; and Examined.

*Alexander Henderson, Esq.*

11 June 1906.

23552. (*Chairman.*) You have been so kind as to give us a statement of your evidence; may we put it on the notes ? —Certainly.

STATEMENT OF THE EVIDENCE PROPOSED TO BE GIVEN BY ALEXANDER HENDERSON, ESQ., GOVERNOR OF BARNHILL POORHOUSE, GLASGOW.

I have been twenty-four years connected with the administration of the Poor Law. For four years I was an assistant inspector. My duties in that position were to visit the homes of applicants for relief and enquire into their circumstances and need of assistance from the parish.

For six years I was indoor assistant inspector. My duties in that capacity were to supervise generally the work of the whole outdoor staff, examine reports, and advise relief committee. I also had charge of the boarded-out lunatics, whom I regularly visited. During those six years the number boarded out largely increased.

For the last fourteen years I have been governor of Barnhill poorhouse. I am responsible to the Local Government Board and the Parish Council for the management of the poorhouse. All applications for admission to the poorhouse are made to the inspector of poor, in whose office the applicants are medically examined and enquiry made as to their circumstances, and if found suitable they are subsequently conveyed to the poorhouse. Accompanying each admission is an order giving the name, age, and other particulars, also medical certificate stating the illness from which the person suffers.

There is accommodation in Barnhill poorhouse for 2,542 inmates; in the hospital department there is accommodation for eighty-nine ordinary cases, forty-eight venereal and skin cases, and an isolation ward for twenty-four cases, making a total of 161.

The house is further divided into six other divisions for purposes of classification. These are known as (1) probationary, (2) test, (3) healthy, (4) infirms suffering from trivial and temporary ailments, (5) infirms able to do light work, (6) infirms over sixty years of age. In Classes 5 and 6 there is of necessity further sub-division, as attention requires to be given to the physical condition, conduct, and temperament of these inmates.

There is no power of detention. Twenty-four hours after having intimated to the house governor a desire to be dismissed from the poorhouse, or sooner if the house governor shall think fit, any adult inmate, not a dependent of any inmate, may quit the poorhouse.

For the information of the Commission I submit the following figures—

1. Admissions for the year ending 31st December, 1905.
2. Table giving the results of personal interviews with 5,588 men for the year ending 31st December, 1905.
3. Table giving particulars of those admitted to the poorhouse six times and over during the year ending 31st December, 1905.
4. Table giving number of those showing signs of feeble-mindedness.
5. Number of inmates employed throughout the institution.

A careful perusal of the figures reveals certain important features which have a direct bearing on the physical and mental condition of the persons under review. It will be observed that under Table II., which treats with the men admitted, and dealt with individually, that they are mostly without a fixed residence, with no social or religious attachment, almost all given to drink, improperly fed and clothed, untidy and unclean in their persons. Such conduct and habits persisted in can only result in the wasting of their physical and mental faculties. I feel that unless some effort is made to deal with these conditions as they now exist, and by some means, either by persuasion or compulsion, have those people live more rational lives, more and still more provision will be required for the moral and mental wrecks thus created. I am strongly impressed that here there is a work for the Church and for philanthropic agencies combined. Such work must be unsectarian, thoroughly organised, and prosecuted with courage and perseverance. I also think that by some means the inhabitants of lodging-houses should be compelled to thoroughly clean themselves by washing, bathing, and by brushing their clothes. By the enforcement of cleanliness and personal attention you are likely to stimulate self-respect.

The female portion of the "ins and outs" is not so numerous as the male, and, with very few exceptions, not so degraded. It is worthy of note that seven years ago the female population under my charge were in the majority, but during the period since then the males have gradually increased until at present they are nearly two-thirds of the population of the institution. While I am of opinion that drink is probably the main factor in the production of pauperism, I feel it would be scarcely possible to establish a charge of habitual drunkenness against the great majority of the men or women who become chargeable in the poorhouse. I have come to the opinion that it is not so much that they are drunkards above all others, but that they lack the power of forethought, and spend on drink what they ought either to save, or use to procure proper food and clothing with. And in a great number of cases that amount means the loss of self-independence and a state of poverty.

Regarding those inmates classed as feeble-minded, they are mostly engaged at light work—the women at ward work, laundry, sewing, knitting, and fancy work under the Brabazon Employment Scheme; men at field work, rope teasing, firewood making, joiner work, baking, and cleaning. They mix among the other inmates at work and meals, and in many cases seem to be the most cheerful and contented of the inmates. Occasionally a case does occur when it is necessary to call the attention of the medical officer to the manner or conduct of an individual, and if the case is certified insane removal to the asylum takes place. Overtures are at present being made to the Local Government Board and the General Board of Lunacy to have wards set apart in the poorhouse for such cases and thereby save removal to asylums. I am of opinion that men and women found to be suffering from preventible diseases should be promptly and severely dealt with. There can be no doubt that continued liberty to them means danger and suffering to those with whom they come into contact.

For confirmed drunkards, undoubted prostitutes, and irreclaimables of whatever class, I favour long periods of detention, but my experience leads me to suggest that such detention should be separate from the poorhouse. The treatment and discipline would of necessity be so different from the ordinary management of the poorhouse that I cannot conceive of any measure of success unless by complete separation and isolation. Arrangements are presently under way for the removal of epileptics from the poorhouse, of which course I highly approve.

## BARNHILL POORHOUSE.

*Alexander Henderson, Esq.*

11 June 1906.

The total number of Admissions to the Poorhouse during the year 1905 was 10,048—6,538 men, 3,318 women, 192 children. Of these the following numbers were admitted :—

TIMES.

| —— | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Men. | | | | | | | | | | | | | | | | | | | | | | |
| Under 45 years - | 217 | 119 | 64 | 31 | 24 | 13 | 9 | 4 | 3 | 1 | 1 | | | | | | | | | | | |
| Under 60 years - | 287 | 136 | 82 | 44 | 26 | 18 | 15 | 7 | 4 | 1 | 1 | 1 | 1 | 1 | | | | | | | | |
| Over 60 years - - | 146 | 72 | 35 | 22 | 8 | 5 | 2 | 1 | | | | | | | | | | | | | | |
| | 650 | 327 | 181 | 97 | 58 | 36 | 26 | 12 | 7 | 2 | 2 | 1 | 1 | 1 | | | | | | | | |
| Women. | | | | | | | | | | | | | | | | | | | | | | |
| Under 45 years - | 110 | 50 | 29 | 18 | 13 | 9 | 7 | 5 | 4 | 4 | 3 | 2 | 2 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| Under 60 years - | 102 | 58 | 34 | 23 | 18 | 15 | 13 | 9 | 4 | 4 | 3 | 2 | 2 | 1 | 1 | 1 | | | | | | |
| Over 60 years - - | 131 | 77 | 46 | 26 | 17 | 13 | 9 | 4 | 2 | 2 | 2 | 2 | 2 | 1 | | | | | | | | |
| | 343 | 185 | 109 | 67 | 48 | 37 | 29 | 18 | 10 | 10 | 8 | 6 | 6 | 3 | 2 | 2 | 1 | 1 | 1 | 1 | 1 | 1 |

TOTALS.

| | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Under 45 years { Men - | 217 | 119 | 64 | 31 | 24 | 13 | 9 | 4 | 3 | 1 | 1 | | | | | | | | | | | |
| Under 45 years { Women - | 110 | 50 | 29 | 18 | 13 | 9 | 7 | 5 | 4 | 4 | 3 | 2 | 2 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| | 327 | 169 | 93 | 49 | 37 | 22 | 16 | 9 | 7 | 5 | 4 | 2 | 2 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| Under 60 years { Men - | 287 | 136 | 82 | 44 | 26 | 18 | 15 | 7 | 4 | 1 | 1 | 1 | 1 | 1 | | | | | | | | |
| Under 60 years { Women - | 102 | 58 | 34 | 23 | 18 | 15 | 13 | 9 | 4 | 4 | 3 | 2 | 2 | 1 | 1 | 1 | | | | | | |
| | 389 | 194 | 116 | 67 | 44 | 33 | 28 | 16 | 8 | 5 | 4 | 3 | 3 | 2 | 1 | 1 | | | | | | |
| Over 60 years { Men - | 146 | 72 | 35 | 22 | 8 | 5 | 2 | 1 | | | | | | | | | | | | | | |
| Over 60 years { Women - | 131 | 77 | 46 | 26 | 17 | 13 | 9 | 4 | 2 | 2 | 2 | 2 | 2 | 1 | | | | | | | | |
| | 277 | 149 | 81 | 48 | 25 | 18 | 11 | 5 | 2 | 2 | 2 | 2 | 2 | 1 | | | | | | | | |

GRAND TOTAL.

| | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Men - - - | 650 | 327 | 181 | 97 | 58 | 36 | 26 | 12 | 7 | 2 | 2 | 1 | 1 | 1 | | | | | | | | |
| Women - - - | 343 | 185 | 109 | 67 | 48 | 37 | 29 | 18 | 10 | 10 | 8 | 6 | 6 | 3 | 2 | 2 | 1 | 1 | 1 | 1 | 1 | 1 |
| | 993 | 512 | 290 | 164 | 106 | 73 | 55 | 30 | 17 | 12 | 10 | 7 | 7 | 4 | 2 | 2 | 1 | 1 | 1 | 1 | 1 | 1 |

MALES ADMITTED TO ORDINARY WARDS DURING YEAR 1905.

| Under 20. | 20 to 30. | 30 to 40. | 40 to 50. | 50 to 60. | 60 to 70. | Over 70. | Total. |
|---|---|---|---|---|---|---|---|
| 129 | 386 | 937 | 1,326 | 1,280 | 1,201 | 329 | 5,588 |
| 2·3 | 6·9 | 16·8 | 23·7 | 22·9 | 21·5 | 5·9 | per cent. |

| Single. | Married. | Widowers. | Models. | Private Houses. | Drink. | Do not drink. | Been in Prison. | Never in Prison. | Total. |
|---|---|---|---|---|---|---|---|---|---|
| 2,929 | 1,279 | 1,380 | 4,444 | 1,144 | 5,334 | 254 | 2,853 | 2,735 | 5,588 |
| 52·4 | 22·9 | 24·7 | 79·5 | 20·5 | 95·5 | 4·5 | 51·1 | 48·9 | per cent. |

**Question 23552.**



*Alexander Henderson, Esq.*

11 June 1906.

MALES ADMITTED TO ORDINARY WARDS DURING YEAR 1905—*cont.*

| —— | Under 20. | 20 to 30. | 30 to 40. | 40 to 50. | 50 to 60. | 60 to 70. | Over 70. |
|---|---|---|---|---|---|---|---|
| Of those who drink - | 19 | 302 | 902 | 1,310 | 1,277 | 1,197 | 328 |
| „ „ do not drink | 110 | 84 | 35 | 16 | 3 | 4 | 1 |

FEMALES ADMITTED TO ORDINARY WARDS DURING 1905.

| Under 50 years. | Over 50 years. | Total. |
|---|---|---|
| 1,618 | 1,656 | 3,274 |

MEN AND WOMEN CHARGEABLE SIX TIMES AND UPWARDS DURING 1905.

RESIDENCES AT APPLICATION.

| —— | Lodging Houses. | Prisons or Police Offices. | Night Asylum. | Other Institutions. | Houseless. | Private Houses. | Total. |
|---|---|---|---|---|---|---|---|
| Under 45, Men - - | 55 | 4 | 44 | 7 | 97 | 34 | 241 |
| „ „ Women - - | 44 | 7 | 39 | 3 | 32 | 41 | 166 |
| Total - - | 99 | 11 | 83 | 10 | 129 | 75 | 407 |
| Under 60, Men - - | 92 | 4 | 36 | 3 | 123 | 54 | 312 |
| „ „ Women - - | 55 | 4 | 61 | 4 | 49 | 38 | 211 |
| Total - - | 147 | 8 | 97 | 7 | 172 | 92 | 523 |
| Over 60, Men - - | 55 | 4 | 16 | 1 | 35 | 37 | 148 |
| „ „ Women - - | 75 | 15 | 30 | 2 | 15 | 73 | 210 |
| Total - - | 130 | 19 | 46 | 3 | 50 | 110 | 358 |
| Grand Total - - | 376 | 38 | 226 | 20 | 351 | 277 | 1,288 |

CONDITION OF APPLICANTS.

| —— | Single. | Married. | Widowed. | Total. |
|---|---|---|---|---|
| Under 45, Men - - - - - - - | 23 | 6 | 2 | 31 |
| „ „ Women - - - - - - - | 10 | 7 | 1 | 18 |
| Total - - - - - | 33 | 13 | 3 | 49 |
| Under 60, Men - - - - - - - | 23 | 11 | 10 | 44 |
| „ „ Women - - - - - - - | 11 | 1 | 11 | 23 |
| Total - - - - - | 34 | 12 | 21 | 67 |
| Over 60, Men - - - - - - - | 7 | 5 | 10 | 22 |
| „ „ Women - - - - - - - | 5 | 1 | 20 | 26 |
| Total - - - - - | 12 | 6 | 30 | 48 |
| Grand Total - - - - - | 79 | 31 | 54 | 164 |

ANALYSIS OF LIST OF FEEBLE-MINDED AND EPILEPTICS AT FEBRUARY, 1906.

| | Under 45 years. | 45 to 60 years. | Over 60 years. | Total. |
|---|---|---|---|---|
| Men - - - - | 16 | 23 | 65 | 104 |
| Women - - - - | 34 | 33 | 46 | 113 |

These were chargeable for periods of under :—

| | Weeks. | | | Months. | | | | | | Years. | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1. | 2. | 3. | 1. | 2. | 3. | 4. | 5. | 6. | 1. | 2. | 3. | 4. | 5. | 6. | 7. | 8. | 9. | 10. | 11. | 12. | 14. | 15. | 16. | 18. | 20 | 40. |
| MEN :— | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Under 45 - | 2 | – | 1 | 1 | 3 | 1 | 1 | – | 2 | 2 | 2 | – | – | – | – | – | – | – | – | – | 1 | – | – | – | – | – | – |
| 45 to 60 - | – | – | – | – | 2 | 2 | 3 | 1 | – | 3 | 6 | – | 5 | – | – | – | – | – | – | 1 | – | – | – | – | – | – | – |
| Over 60 - | 1 | – | – | 2 | 2 | 2 | 1 | 2 | 2 | 15 | 26 | 6 | 3 | – | 2 | – | – | 1 | | – | – | – | – | – | – | – | – |
| WOMEN :— | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Under 45 - | 1 | 2 | 1 | 1 | 2 | 2 | 3 | 1 | – | 2 | 5 | 3 | 4 | 1 | – | 1 | 2 | – | 1 | – | – | 1 | – | 1 | – | – | – |
| 45 to 60 - | 2 | – | 1 | 2 | 1 | – | 2 | 2 | 2 | 3 | 8 | 2 | 1 | – | 2 | 1 | – | – | – | 1 | 1 | – | – | – | 1 | – | 1 |
| Over 60 - | 2 | – | 1 | 1 | 1 | 6 | 2 | 3 | 3 | 5 | 10 | 3 | 3 | – | – | – | 2 | – | – | – | 1 | 1 | 1 | – | – | 1 | – |
| TOTAL - | 8 | 2 | 4 | 7 | 11 | 13 | 12 | 9 | 9 | 30 | 57 | 14 | 16 | 1 | 4 | 2 | 4 | 1 | 1 | 2 | 3 | 2 | 1 | 1 | 1 | 1 | 1 |

## POORHOUSE OF BARNHILL.

NUMBER of PAUPERS resident in the Poorhouse at midnight of the night between 31st March and 1st April, 1906, of whom—

| | Males. | Females. | TOTAL. |
|---|---|---|---|
| (*a*) Children under 2 years of age (not on sick list) - - - - - | 11 | 11 | 22 |
| (*b*) Children above the age of 2 and under that of 15 years (not on sick list) | — | — | — |
| (*c*) Paupers above the age of 15 years (not on sick list) who were :— | | | |
| (1.) Not working (but not infirm or sick) - - - - - | 23 | 18 | 41 |
| (2.) Working { Light work - - - - - - - - - | 289 | 278 | 567 |
| (2.) Working { Heavy work - - - - - - - - - | 168 | 86 | 254 |
| (3.) Infirm { Light work - - - - - - - - - | 447 | 104 | 551 |
| (3.) Infirm { Not working - - - - - - - - - | 194 | 255 | 449 |
| (*d*) Paupers on the sick list :— | | | |
| (1.) Children under 15 years - - - - - - - - | 3 | — | 3 |
| (2.) Paupers above the age of 15 years - - - - - - | 129 | 31 | 160 |
| | 1,264 | 783 | 2,047 |

23553. (*Dr. Dunlop.*) Do you agree with what has been said, that there are a considerable number of persons of really unsound mind in the wards of the poorhouses ?—Yes.

23554. And the regulation as it stands has not been strictly and literally carried out ?—Of course that must be qualified in this way, that all persons admitted to the poorhouse are admitted on a medical certificate, and these certificates must certify that the person is not of unsound mind.

23555. They are so stated on the certificate, but as a matter of fact it is rather loosely carried out. You have 217 such persons in the poorhouse of which you are governor ?—That list has been made up as of persons who certainly are giving indications of weakness of mind, but it is in the governor's opinion and not in the opinion of the medical officer.

23556. Quite so. They have been chargeable for a time varying from a few weeks to forty odd years ?—Yes, some of them.

23557. Do you approve of the association or disassociation of those unfortunate persons with the sane ?—I have never had the slightest difficulty in managing these people.

*Alexander Henderson, Esq.*

11 June 1906.

23558. They could be managed with the sane inmates helping to look after them?—No, I do not say that. They seem to conduct themselves very properly among the sane inmates.

23559. Do you think it is fair play to the sane inmates?—I have not seen many that I could object to.

23560. You have not had any complaints on that score?—No.

23561. You have had no complaints of their dirty habits?—No.

23562. You see no objection to them at all?—No, so far as the cases under my charge are concerned.

23563. You say that they are cheaper in poorhouses than in asylums?—Surely.

23564. Does that apply to all these cases of weak mind?—Yes.

23565. Senile dementia?—If they are transferred to Stobhill the expense is not so very great.

23566. That class is a class that is expensive because they require a great deal of nursing?—Yes.

23567. And they cost a lot of money whether they are in poorhouses or in asylums?—Yes, that is so.

23568. Where does the difference in expense between the asylum and the poorhouse come in?—I cannot say. The diet is certainly very much better in an asylum and then the supervision is more expensive.

23569. The necessary nursing and the diet?—Yes.

23570. Do you think the diet is sufficiently good for these unfortunates, the diet that you are giving them just now?—Yes.

23571. How often do they get porridge and butter milk in the day?—They do not get butter milk at all; they get sweet milk.

23572. That is an advance on the old times?—Yes. I have made a note of the cost of their keep for the last five years in the poorhouse, and it averages about 5s. 6d. per week all over.

23573. All told?—Yes, that includes maintenance, management, accommodation, and medical relief.

23574. That is much smaller than it is in the asylum?—Yes.

23575. In the asylum it is about 10s.?—Yes, from 10s. to 12s

23576. Clear of rent charges?—Yes.

23577. (*Dr. Needham.*) As regards the feeble-minded that you have in the poorhouse, have you any means of detaining them?—Not compulsorily.

23578. Do you find that generally they are content to remain, or do many of them apply to be discharged and insist on it?—Very few give us any trouble in that way, and they are usually managed by a little persuasion.

23579. Do their friends give any trouble?—No.

23580. Do you not think there should be some means of detention?—I think the cases that require it are cases that as a rule are ready for classification and can be removed to an asylum.

23581. You think there are no cases which cannot be certified under present conditions who ought to be detained and are not able to be detained now?—So far as that list is concerned that I have submitted there are very few indeed.

23582-3. (*Mrs. Pinsent.*) When you get a feeble-minded child what do you do with it?—I have no children under my charge. They have been removed from me several years ago.

23584. (*Mrs. Pinsent.*) Are the children in the Poor Law schools, or where have they been removed to?—Stobhill.

23585. What is Stobhill?—Another institution under the Glasgow Parish Council.

23586. What do they do with the children there?—I am not acquainted with the management there.

23587. You cannot give us any information about that?—Not definitely.

23588. You have special schools in Glasgow?—Yes.

23589. The point I want to ascertain is this, when the father and mother go to the poorhouse, what becomes of the child if it is feeble-minded?—I cannot give any information about that.

23590. (*Mr. Byrne.*) Have you heard of many cases in which parents find difficulty in getting a troublesome feeble-minded child provided for by the Guardians?—I have not had any experience of that. I have never known of any difficulty.

23591. There would be no difficulty in Scotland?—I do not think so.

23592. There is no difficulty about the pauperising of the parents in Scotland?—No.

23593. Suppose a working man has a girl of about thirteen beginning to be troublesome, and he wants to get her into a Poor Law institution, he can do so and pay some reasonable amount for her?—Yes.

23594. That is quite part of the system in Scotland?—Yes.

23595. Has that any effect on the parent's vote?—I think not.

23596. With regard to your list (*page* 171), will you be good enough to tell us out of how many inmates that number of feeble-minded and epileptics was found. You give 217 feeble-minded and epileptics, that is out of a total number of what?—That was a special list made up for the purpose of finding whether it was necessary to have licensed wards in Barnhill Poorhouse or not.

23597. How many people would there be roughly out of whom there were 217 feeble-minded and epileptics, about 2,000?—Yes, there would be over 2,000 in the house at that time.

23598. So it is about 10 per cent.?—Yes.

23599. Did you hear the evidence given by the last witness?—Yes.

23600. Do you agree generally with him as regards the trouble that exists now for the want of detention in some cases?—Not so far as I am concerned in Barnhill. I do not think there is any want of detention. My opinion is that the cases under me are as well cared for as their circumstances require.

23601. What do you think about the suggestion as to labour colonies? You do not think they are required for your purpose?—I think, making an analysis of the cases coming under me, that there are not many men and women that would be suitable for them.

23602. Have you many inebriates?—On the list I have submitted only nine men out of the 164 were suffering from alcohol on their admission to the poorhouse, and eighteen women, making a total of twenty-seven out of 164

23603. You have no knowledge of any substantial number of men coming constantly to the poorhouse on account of excessive drinking?—That is a different thing. I state clearly that I believe drink to be the main factor in the cause of admission into the poorhouse. It is because of the drinking habits of these people that they do ask admission into the poorhouse.

23604. But yet you tell us how you have only had nine men and eighteen women certified as suffering from the results of drink?—Yes. The others are not what you would call habitual drunkards. They take a bout of drinking, as it were, and then exhaust all their funds and lose their work through their drinking habits.

23605. And they bring their families into destitution and neglect their children?—A great many have no families to care for.

23606. You have no special recommendations to make with regard to that class?—I think what should be done is that there should be something done outside the poorhouse. I think they should be reformed before they come to the poorhouse. It is not possible to erect and provide institutions to reform these people. My opinion is that the poorhouse is far too comfortable for them. I think they are good judges of what constitutes an easy-going life, rather than feeble-minded.

23607. Would you punish them? Do you think they are cases for punitive detention?—The difficulty is to get them so bad as to be got at. It would be a good thing if we had a law that would state the number of admissions and the extent of drunkenness——

23608. You mean that a man ought to be detained for a long time if he is there through drunkenness?—Yes.

23609. And punished and reformed?—Yes.

23610. Would you recommend that extension of the Inebriates Act?—Yes.

23611. Of course, if you had a considerable number of those people in detention you would require to have more or less large places?—I do not think they would require to be very large, because if the people knew that such a thing was possible I think they would very much reform themselves. Since 5th September the parish council have instituted a new form of dealing with those men. When they come in after a bout of drinking and feel unable to work, then within a week or at the most a fortnight, they are taken before the medical officer and certified as to whether they are fit to resume duty outside. If they are found fit, then they are discharged from the poorhouse. I have a return which shows that from 5th September till 15th May, no fewer than 403 cases have been dealt with in that way and 167 have not returned, showing that some strictness is required in dealing with these men, and that if they know that they are not to be allowed to loaf about then they take to their own resources.

23612. I do not quite understand what is the precise novelty in that. In what way is that a new departure? You could send able-bodied men out at any time?—Yes, but we had a system of revisals which were not quite so frequent as they are now. These men have to come for medical examination within a week or a fortnight, as the case may be, so that we never lose sight of them after their admission until we get them disposed of.

23613. What recommendations have you to make with regard to the treatment of epileptics? I see you think they should be removed from the poorhouse?—I think they should be specially provided for.

23614. Have you formulated any scheme for providing for them?—My idea is that there should be either a scheme of some kind or another where they would have plenty of outdoor exercise and facilities for working at special forms of labour.

23615. Would you recommend one or two or three institutions for Scotland?—I do not know. I think that probably two or three would be quite sufficient. I find that we have only twenty-nine in Barnhill—fourteen men and fifteen women.

23616. That is out of 2,000?—Yes.

23617. That is a very small number indeed?—Yes. I think that a very small institution or colony would suffice for the treatment of the epileptics in Scotland.

23618. Could that be done under the existing law by the Poor Law authorities combining?—Yes.

23619. It is a mere matter of having it urged on them?—That is so, a pure question of arrangement.

23620. (*Mr. Dickinson.*) You spoke about nine men being admitted through drink. I do not see that figure 9 in your Tables. What is the 95·5 in your statement?—It means that of these 5,588 cases that I have personally interviewed during the year, these persons admitted that they had been addicted to drink.

23621. That is a very different figure from what you gave?—Yes, but it is not a question of drunkenness. They take so much drink, they spend so much on it that they cannot help becoming chargeable on the rates. If they took care of the money that they spend on drink they would never be on the rates at all.

23622. Then 95·5 per cent. do come in because they drink?—It is one of the main factors; there may be others.

23623. You said that your list was made out when you were considering the desirability of establishing licensed wards?—Yes, it was made out in February of this year.

23624. You have no licensed ward for lunatics?—No.

23625. Are you contemplating the advisability of having one?—The idea was that we had a number of cases that required certification. At that time I think we had within three weeks probably fifteen or twenty cases certified and taken to the asylum. The question arose as to whether it was not cheaper to have a ward in the poorhouse where these cases could be transferred to and kept at a cheaper rate than in the asylum.

23626. And in order to ascertain what the number would be you went through the inmates?—Yes

23627. And you found 217 inmates that would be suitable for treatment in licensed wards?—No. I was asked to make out a list of men and women that I considered to be of feeble mind, and I made out that list of 217 that certainly showed signs of feeble-mindedness. That was submitted to the medical officer, and his opinion was that not half a dozen of these could be certified

23628. Not six out of 217?—That is so.

23629. What was his opinion with regard to the remainder? Did he agree that they were feeble-minded?—Yes, and probably there are a great many more in the House. We have a very great number of men and women suffering from paralysis, and some of them show signs of feeble-mindedness. But when it comes to be a question of certification, then it is quite a different matter.

23630. In your workhouse do you never have cases such as those about which Mr. Barclay has told us—cases of women with illegitimate children?—I have a Table which I made up in view of such a question being put to me. This Table goes over twelve years and it shows that there have been 400 births in the poorhouse during the last twelve years; of these 124 were legitimate and 276 were illegitimate; 236 were children of single women, twelve were children of married women and twenty-eight were children of widows. One single woman was confined three times, three single women were confined twice, one married woman was confined twice and two widows were confined twice. I have a full list of the names here. Knowing their characters and all that sort of thing, I am safe in saying that not more than three or four of these were feeble-minded.

23631. (*Chairman.*) Would you let us have that Table?—Yes, certainly.*

**Vide infra.*

**Question 23631.**





*Alexander Henderson, Esq.*

11 June 1906.

## CHILDREN BORN IN BARNHILL, 1894 TO 1906.

Legitimate 124. Illegitimate 276. Total 400.

Of the Illegitimate children:—

236 were borne by Single Women.
12 „ „ „ Married Women.
28 „ „ „ Widows.

Of these:—

1 Single Woman was confined 3 times.
3 Single Women were confined twice.
1 Married Woman was confined twice.
2 Widows were confined twice.

There were 5 cases of Twins.

| Date. | Name. | Record. | Date of Mother's Admission. | Current Number. | Date of Discharge. | Mother's Name. | — |
|---|---|---|---|---|---|---|---|
| 1894. | | | | | | | |
| Jan. 2 - - | A. McD. - | 5/ | 23.12.93 | 4682 | 31. 5.94 | C. McD. - | 32 |
| „ 4 - - | M. M. - - | 5/3403 | 30.12.93 | 4737 | 2. 3.94 | M. J. M. - | 21.4 |
| „ 6 - - | J. M. - - | 5/ | 23.12.93 | 4680 | 1. 2.94 | M. M. - - | 21 |
| „ 9 - - | M. McM. - | 3/582 | 27.11.93 | 4387 | 1. 2.94 | M. McM. - | 30 |
| „ 17 - - | D. C. - - | 1/3873 | 16. 9.93 | 3647 | 22. 3.94 | A. C. - - | 25 |
| „ 31 - - | J. C. - - | 7/3267 | 20.10.93 | 4004 | 6. 3.94 | J. C. - | 32 |
| March 14 - - | F. H. - - | — | 14. 3.94 | 1887 | 29. 3.94 | F. H. - - | 19½ |
| May 5 - - | E. J. - - | 4/4576 | 17. 4.94 | 2180 | 24. 7.94 | A. J. - - | 17.4 |
| „ 26 - - | W. A. - - | 3/3152 | 4. 4.94 | 2068 | 11. 6.94 | P. A., wd. - | 31 |
| June 22 - - | J. M. - - | 7/4164 | 2. 3.94 | 1774 | 6. 7.94 | A. M. - - | 18 |
| July 10 - - | H. McL. McK. | 7/1003 | 24. 2.94 | 1702 | 29. 8.94 | S. McK. - | 28 |
| „ 11 - - | S. L. - - | 3/3529 | 14. 6.94 | 2732 | 24. 7.94 | W. L., wf. - | 24 |
| „ 19 - - | T. B. - - | 3/656 | 19. 7.94 | 3054 | 3. 8.94 | H. B. - - | 29 |
| „ 28 - - | B. C. M. - | 3/3208 | 2. 7.94 | 2879 | 11. 8.94 | A. M. - - | 22 |
| „ 29 - - | M. E. McP. - | 5/ | 6. 6.94 | 2666 | 13. 8.94 | M. McP. - | 29 |
| Aug. 13 - - | J. T. - - | 5/3429 | 13. 6.94 | 2720 | 27. 8.94 | M. T. - - | 19 |
| Sept. 8 - - | D. C. - - | 5/ | 8. 8.94 | 3254 | 24. 9.94 | M. C. - - | 21 |
| „ 13 - - | M. McD. - | 4/4701 | 17. 8.94 | 3351 | 5.10.94 | A. McD. - | 20 |
| „ 11 - - | K. McP. - | 7/4351 | 23. 7.94 | 3098 | 20.11.94 | M. McP. - | 20 |
| „ 17 - - | D. F. R. - | 7/4460 | 15. 9.94 | 3655 | 2.10.94 | I. R. - - | 22 |
| „ 23. - - | C. C. - - | 5/3620 | 3. 8.94 | 3208 | 17.11.94 | M. C. - - | 38 |
| „ 30 - - | S. A. - - | 3/4459 | 11. 9.94 | 3581 | 13.10.94 | I. A. - - | 18 |
| Oct. 7 - - | D. G. A. - | 7/615 | 25. 6.94 | 2803 | 4.12.94 | R. A. - - | 30 |
| „ 8 - - | M. F. S. - | 7/4434 | 1. 9.94 | 3495 | 4.12.94 | C. S. - - | 18 |
| „ 18 - - | A. O'M. - | 2/325 | 16. 8.94 | 3224 | 31.10.94 | B. O'M. - | 29 |
| Nov. 7 - - | J. Mc.D. S. - | 5/ | 18. 7.94 | 3040 | 30. 9.95 | E. S. - - | 30 |
| „ 11 - - | A. A. - - | 3/4501 | 26.10.94 | 4036 | 24.11.94 | S. A. - - | 22 |
| „ 14 - - | M. J. C. - | 7688 | 29.10.94 | 4075 | 18.12.94 | M. C. - - | 20 |
| „ 21 - - | D. McP. M. - | 5/3731 | 8.11.94 | 4175 | 3.12.94 | S. M., wf. - | 34 |
| 1895. | | | | | | | |
| Jan. 8 - - | T. H. - - | — | 15.11.94 | 4234 | 22. 1.95 | M. H. - - | 20 |
| „ 28 - - | J. C. - - | 1/3513 | 3.12.94 | 4401 | 11. 2.95 | M. C. - - | 19 |
| Feb. 12 - - | J. N. - - | — | 29. 1.95 | 1487 | 21. 3.95 | M. N. - - | 20 |
| „ 17 - - | M. McA. - | 7/4638 | 2. 2.95 | 1538 | 2. 3.95 | M. McA. - | 21 |
| „ 19 - - | J. G. - - | 4/3990 | 1. 2.95 | 1535 | 4. 3.95 | J. G., wd. - | 34 |
| „ 20 - - | J. R. - - | 5/3844 | 10. 1.95 | 1251 | 7. 3.95 | M. R. - - | 23 |
| March 2 - - | C. H. W. - | 3/4582 | 17. 1.95 | 1342 | 10. 4.95 | A. W. - - | 21 |
| April 10 - - | S. F. - - | 7/4630 | 30. 1.95 | 1490 | 7. 8.95 | M. F. - - | 19 |
| „ 30 - - | M. B. J. - | 5/ | 24. 4.95 | 2394 | 4. 6.95 | A. J., wd. - | 29 |
| May 2 - - | R. H. - - | — | 26. 4.95 | 2418 | 11. 6.95 | J. H., wd. - | 32 |
| „ 3 - - | M. A. L. - | 3/2099 | 20. 3.95 | 2057 | 21. 6.95 | M. L. - - | 32 |
| „ 4 - - | M. M. - - | 2/4840 | 23. 3.95 | 2100 | 20. 5.95 | A. M. - - | 23 |
| „ 7 - - | M. M. - - | 2/ | 5. 3.95 | 1901 | 22. 5.95 | E. M. - - | 27 |

*Alexander Henderson, Esq.*

11 June 1906.

| Date. | Name. | Record. | Date of Mother's Admission. | Current Number. | Date of Discharge. | Mother's Name. | — |
|---|---|---|---|---|---|---|---|
| 1895. | | | | | | | |
| May 10 | A. D. | 5/3972 | 2. 4.95 | 2197 | 8. 7.95 | J. D. | 18.4 |
| „ 23 | J. C. | 5/ | 12. 4.95 | 2285 | 7. 6.95 | A. C. | 24 |
| „ 29 | A. McP. | 1/3708 | 25. 5.95 | 2702 | 11. 6.95 | M. Mc.P. | 17 |
| June 3 | M. McE. | 5/3993 | 18. 4.95 | 2347 | 2. 9.95 | M. McE. | 28 |
| „ 5 | H. McL. | 5/4039 | 17. 5.95 | 2633 | 18. 6.95 | F. Mc.L. | 24 |
| „ 20 | G. B. | 4/1735 | 14. 5.95 | 2578 | 30. 7.95 | J. B., wd. | 41 |
| „ 28 | M. T. | 2/1140 | 24. 5.95 | 2681 | 13. 7.95 | M. T. | 32 |
| July 2 | M. R. | 3/4815 | 1. 7.95 | 3073 | 22. 7.95 | E. R. | 27 |
| „ 6 | H. O'N. | 7/891 | 3. 6.95 | 2794 | 19. 7.95 | C. O'N. | 38 |
| „ 9 | J. H. | 5/3915 | 26. 2.95 | 1792 | 4. 9.95 | J. H. | 18 |
| „ 11 | M. L. W. | 3/4790 | 7. 6.95 | 2837 | 25. 7.95 | M. W. | 21 |
| Aug. 27 | P. H. | 2/ | 14. 8.95 | 3546 | 12.10.95 | E. H. | 23 |
| „ 27 | J. R. | 7/4798 | 10. 6.95 | 2868 | 9. 9.95 | J. R. | 20 |
| Oct. 31 | J. G. P. | 1/2783 | 20.10.95 | 4200 | 12.11.95 | J. P., wd. | 33 |
| Nov. 14 | K. B. or C. | 7/2094 | 14. 8.95 | 3528 | 27. 2.95 | J. B., wd. | 35 |
| „ 27 | F. W. | 2/ | 26.10.95 | 4262 | 8. 1.96 | F. W. | 26 |
| Dec. 13 | A. C. | 7/3267 | 14.10.95 | 4143 | 10. 2.96 | J. C. | 36 |
| 1896. | | | | | | | |
| Jan. 7 | M. C. | 7/3616 | 4. 9.95 | 3760 | 20. 1.96 | R. C. | 33 |
| „ 9 | C. W. | 5/3325 | 15.11.95 | 4460 | 24. 2.96 | R. W. | 21 |
| „ 20 | J. N. C. | 7/2334 | 14. 1.96 | 1155 | 31. 1.96 | M. C. | 29 |
| Feb. 2 | M. M. W. | 4/5291 | 17. 1.96 | 1193 | 5. 5.96 | M. W. | 25 |
| „ 13 | K. O'M. | 2/325 | 26.11.95 | 4540 | 20. 4.96 | B. O'M. | 30 |
| „ 16 | F. McM. | 2/ | 15. 2.96 | 1460 | 6. 3.96 | E. Mc.M. | 18 |
| „ 21 | M. L. McC. | 5/ | 11. 2.96 | 1429 | 16. 6.96 | M. McC. | 19 |
| March 3 | J. K. | 4/5329 | 18. 2.96 | 1478 | 23. 5.96 | M. K. | 33 |
| „ 19 | J. R. T. | 4/1395 | 18. 3.96 | 1752 | 30. 6.96 | J. R. T. | 35 |
| „ „ | W. M. McK. | 5/3359 | 16.10.95 | 4159 | 30.12.05 | M. M. McK. | 19.4 |
| April 7 | H. B. McC. | 1/2902 | 26. 3.96 | 1831 | 23. 4.96 | M. B. | 22 |
| „ 8 | J. O'N. McC. | 4/5373 | 31. 3.96 | 1871 | 23. 4.96 | I. O'N. | 26 |
| „ 24 | C. N. R. | 3/5077 | 31. 3.96 | 1870 | 9. 5.96 | C. R. | 24 |
| May 8 | A. McL. | 4/3329 | 5. 5.96 | 2168 | 2. 6.96 | F. McL. | 22 |
| „ „ | H. McC. | | 18. 3.96 | 1762 | 31. 8.96 | E. McC. | 23 |
| June 14 | J. McL. B. | 3/2786 | 12. 3.96 | 1691 | 11. 9.96 | T. B., wd. | 36 |
| „ „ | M. E. McL. | 7/3680 | 25. 2.96 | 1559 | 4. 8.96 | C. McL., wd. | 28 |
| „ 27 | J. D. | 3/5088 | 11. 5.96 | 2237 | 3. 8.96 | M. D. | 33 |
| July 8 | J. S. | 4/2810 | 6. 5.96 | 3182 | 24. 9.96 | J. S., wd. | 29 |
| „ 18 | J. B. | 3/ | 4. 7.96 | 2713 | 22. 8.96 | H. B. | 26 |
| „ 30 | K. McW. | 7/5289 | 26. 5.96 | 2380 | 15. 8.96 | M. McW. | 23 |
| Aug. 15 | M. M. McD. | 7/5348 | 29. 7.96 | 2937 | 29. 8.96 | M. McD. | 24 |
| „ 22 | J. P. | | 3. 8.96 | 2977 | 30. 9.96 | J. S. P. | 21 |
| „ 23 | R. A. O'N. | 1/4207 | 15. 7.96 | 2806 | 12.10.96 | M. O'N. | 20 |
| Sept. 18 | D. G. | 5/4563 | 7. 8.96 | 3009 | 3.10.96 | A. G. | 23 |
| „ 25 | A. P. | 7/1737 | 12. 8.96 | 3047 | 10.10.96 | R. P | 32 |
| Oct. 19 | D. J. | 5/2770 | 4. 3.96 | 1641 | 23. 3.97 | M. D. | 31 |
| Nov. 5 | P. G. | 4/1645 | 27.10.96 | 3687 | 20.11.96 | M. G. | 23½ |
| „ 17 | A. M. D. | 1/4330 | 16.11.96 | 3883 | 2.12.96 | M. D. | 25 |
| „ 20 | J. Q. S. | 3/4237 | 26.10.96 | 3682 | 9. 3.97 | M. S. | 33 |
| Dec. 6 | J. C. M. | | 3.10.96 | 3504 | 21.12.96 | M. M. | 35 |
| „ 16 | G. McG. D. | 7/3042 | 4.12.96 | 4062 | 6. 4.97 | P. D., wd. | 36 |
| „ 23 | N. McG. | | 19.10.96 | 3621 | 12. 4.97 | M. McG. | 18 |
| 1897. | | | | | | | |
| Jan. 1 | J. F. | 5/129 | 28.12.96 | 4298 | 13. 1.97 | G. F. | 30 |
| „ 2 | M. P. P. | 1/2783 | 22. 9.96 | 3414 | 12. 1.97 | J. P., wd. | 33 |
| „ 27 | C. S. | 5/ | 9.10.96 | 3547 | 24. 2.97 | I. S. | 20 |
| „ 28 | F. G. | 4/3990 | 13. 1.97 | 1224 | 10. 2.97 | J. G., wd. | 36 |

**Question 23631.**



*Alexander Henderson, Esq.*

11 June 1906.

| Date. | Name. | Record. | Date of Mother's Admission. | Current Number. | Date of Discharge. | Mother's Name. | — |
|---|---|---|---|---|---|---|---|
| 1897. | | | | | | | |
| Feb. 6 - - | A. R. McK. - | | 20. 1.97 | 1325 | 19. 2.97 | A. R. McK. - | 22 |
| „ 27 - - | J. C. - - | 4/5665 | 6. 2.97 | 1535 | 3. 3.97 | C. C. - - | 23 |
| March 7 - - | J. S. - - | 7/2614 | 7. 1.97 | 1152 | 20. 3.97 | O. S., wd. - | 33 |
| „ 25 - - | W. G. - - | 2/3646 | 25. 3.97 | 2048 | 28. 4.97 | I. G. - - | 24 |
| April 1 - - | E. M. - - | 7/3328 | 8. 1.97 | 1162 | 14. 5.97 | M. M. - - | 29 |
| „ 14 - - | M. McM. - | 7/5621 | 11. 3.97 | 1887 | 27. 4.97 | E. McM. - | 25 |
| May 2 - - | A. O'M. - | — | 17. 3.97 | 1974 | 15. 7.97 | B. O'M. - | 31 |
| „ 11 - - | W. M. - - | 5/ | 15. 3.97 | 1924 | 4. 6.97 | C. M. - - | 19.9 |
| „ 22 - - | J. R. - - | 4/ | 7. 5.97 | 2532 | 4. 6.97 | J. R. or R. - | 24 |
| June 2 - - | E. A. R. - | 7/3642 | 29. 5.97 | 2762 | 12. 6.97 | J. K., wd. - | 38 |
| „ 12 - - | J. S. - - | 7/ | 11. 5.97 | 2569 | 7. 9.97 | A. S. - - | 29 |
| „ 25 - - | G. H. S. - | 5/ | 25. 6.97 | 1757 | 21. 3.98 | E. S. - - | 26 |
| „ 29 - - | M. G. - - | 4/ | 6. 5.97 | 2515 | 13. 7.97 | J. G. - - | 19 |
| July 1 - - | J. McD. - | 5/ | 3. 6.97 | 2796 | 10. 8.97 | A. McD. - | 28 |
| Aug. 1 - - | J. G. R. - | — | 13. 7.97 | 3181 | 25. 8.97 | A. R. - - | 18 |
| „ 11 - - | A. C. G. - | 1/ | 8. 7.97 | 3127 | 30. 8.97 | M. G. - - | 34 |
| „ 16 - | W. F. K. - | 1/ | 28. 7.97 | 3343 | 8. 3.98 | E. K. - - | 23 |
| „ 19 - - | M. McD. - | 4/4828 | 2. 6.97 | 2785 | 6.11.97 | M. McD. - | 21 |
| „ 22 - - | M. M. - - | 6/1825 | 13. 8.97 | | 7. 9.97 | M. M. - - | 30 |
| „ 25 - - | J. N. P. - | 4/3987 | 17. 2.97 | 1640 | 30. 4.98 | E. P. - - | 25 |
| Oct. 9 - - | M. M. - - | 3/1989 | 5. 8.97 | 3435 | 31. 8.98 | M. M. - - | 32 |
| „ 28 - | E. McC. B. - | 1/2902 | 29. 9.97 | 3963 | 9.11.97 | M. B. - - | 23 |
| Nov. 4 - - | H. F. S. - | 2/ | 26. 8.97 | 3641 | 20.11.97 | A. S. - - | 42 |
| „ 20 - - | J. F. - - | 3/5608 | 2.10.97 | 4298 | 3.12.97 | J. F. - - | 30 |
| Dec. 12 - - | J. M. G. - | 3/4869 | 2.11.97 | 4311 | 1. 6.98 | R. G., wd. - | 35 |
| „ „ - - | F. M. G. - | „ | 2.11.97 | 4311 | 1. 6.98 | „ „ „ - | 35 |
| „ 15 - - | J. McD. - | 5/ | 10.11.97 | 4416 | 11. 1.98 | M. J. McD. - | 19 |
| 1898. | | | | | | | |
| Jan. 8 - - | J. A. - - | 5/5034 | 26.10.97 | 4822 | 6. 5.98 | C. A. - - | 29 |
| „ 18 - - | B. C. - - | 3/5674 | 4. 1.97 | 1127 | 2. 2.98 | B. C. - - | 29 |
| March 29 - - | E. McL. - | 7/6181 | 4. 3.98 | 1840 | 27. 4.98 | M. McL. - | 25 |
| „ 30 - - | M. McC. - | 4/ | 9. 2.98 | 1567 | 9. 6.98 | J. McC. - | 22 |
| April 12 - - | A. H. - - | 3/250 | 12. 3.98 | 1939 | 3. 5.98 | A. H. - - | 32 |
| May 1 - - | J. H. - - | 2/ | 14. 4.98 | 2291 | 18. 5.98 | J. H. - - | 20 |
| „ 14 - - | E. W. McA. - | 2/ | 27. 4.98 | 2449 | 13. 5.98 | H. C. McA. - | 23 |
| „ 29 - - | F. L. - - | 7/3951 | 3. 4.98 | 2501 | 10. 6.98 | E. L. - - | 40 |
| May 29 - - | J. D. G. - | 2/ | 13. 4.98 | 2268 | 7. 6.98 | M. G. - - | 18 |
| „ „ - - | K. C. - - | 4/ | 4. 4.98 | 2185 | 28. 7.98 | K. C. - - | 28 |
| June 13 - - | H. C. W. - | 7/6249 | 13. 6.98 | 2987 | 11. 7.98 | J. W. or C. - | 23 |
| July 7 - - | P. M. - - | 3/5852 | 6. 7.98 | 3241 | 22. 7.98 | A. M. - - | 27 |
| „ 26 - - | H. R. M. - | 3/3296 | 22. 6.98 | 3091 | 13. 8.98 | H. M. - - | 24 |
| Aug. 20 - - | J. T. O'B. - | 4/ | 12. 8.98 | 3643 | 15. 9.98 | T. O'B. - | 30 |
| „ „ - - | C. H. - - | 7/3778 | 11. 7.98 | 3289 | 17. 9.98 | E. H. - - | 25 |
| „ 28 - - | A. H. - - | 5/3399 | 17. 8.98 | 3702 | 8.11.98 | A. H. - - | 30 |
| Oct. 14 - - | J. H. - - | — | 8. 2.95 | 1594/5 | — | A. H. - - | 27 |
| „ 15 - - | I. D. - - | 7/3343 | 15.10.98 | 7/4275 | 29.10.98 | I. D. or McD. | 27 |
| „ 22 - - | G. G. or C. - | 4/4577 | 19.10.98 | 4319 | 4.11.98 | W. C., wd. - | 28 |
| Nov. 2 - - | W. P. T. - | 3/5413 | 1.11.98 | 4448 | 3.12.98 | E. W. T. - | 21 |
| „ 7 - - | M. H. McA. - | 4/6408 | 20.10.98 | 4334 | 24. 1.99 | S. McA. - | 22 |
| | M. T. G. - | 3/5415 | 1.11.98 | 4452 | 17.12.98 | C. G. - - | 30 |
| Dec. 6 - - | D. C. - - | 4/6413 | 24.10.98 | 4379 | 23. 2.99 | M. C. - - | 22 |
| „ 28 - - | T. K. - - | 4/6367 | 14. 9.98 | 3955 | 13. 1.99 | E. B. K. - | 23 |
| 1899. | | | | | | | |
| Jan. 14 - - | J. C. McM. G. | 4/ | 25.11.98 | 4730 | 15. 2.99 | J. G. - - | 19 |
| | W. K. - - | 7/6459 | 7.12.98 | 4855 | 11. 2.99 | S. K. - - | 35 |
| Feb. 18 - - | E. C. - - | 2/ | 17. 1.99 | 1426 | 15. 6.99 | E. C. - - | 23 |

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| Date. | Name. | Record. | Date of Mother's Admission. | Current Number. | Date of Discharge. | Mother's Name. | — |
|---|---|---|---|---|---|---|---|
| 1899. | | | | | | | |
| March 24 - - | J. W. - - | 5/5449 | 7.12.98 | 4852 | 30. 5.99 | J. W. - - | 19 |
| April 6 - - | C. T. W. - | 1/4041 | 5. 4.99 | 2791 | 26. 4.99 | H. W., wd. - | 27 |
| „ 26 - | C. McH. - | G8/ | 16. 2.99 | 2017 | 1. 6.99 | M. McH. - | 32 |
| May 3 - - | F. A. - - | — | 21. 4.99 | 3047 | 18. 5.99 | E. A. - - | 23 |
| „ 25 - - | W. B. - - | G11/120 | 1. 5.99 | 3145 | 13. 6.99 | A. B. - - | 21 |
| June 26 - | A. C. - - | 6/ | 21. 6.99 | 3805 | 27. 7.99 | E. C. - - | 23 |
| July 2 - - | A. or D. H. - | 7/5842 | 24. 6.99 | 3855 | 29. 9.99 | J. H., wf. - | 34 |
| „ 6 - - | J. B. - - | 2/ | 26. 6.99 | 3871 | 19. 7.99 | E. B. - - | 23 |
| Aug. 1 - - | H. McD. - | 7/5348 | 29. 3.99 | 2708 | 16. 8.99 | M. McD. - | 27 |
| „ 4 - - | E. B. - - | 1/ | 22. 6.99 | 3835 | 12. 8.99 | M. B. - - | 25 |
| Sept. 14 - - | R. B. - - | 3/5099 | 4. 7.99 | 4043 | 5.10.99 | M. McL. B. - | 22 |
| Oct. 19 - - | S. H. - - | — | 12. 9.99 | 5085 | 31.10.99 | S. H. - - | 24 |
| „ 30 - - | J. H. H. - | 8/204 | 2. 9.99 | 4980 | 18.11.99 | C. H. - - | 18 |
| Dec. 3 - - | A. McC. R. - | 1/ | 19.10.99 | 5669 | 9. 1.00 | M. R. - - | 23 |
| „ 17 - | J. H. - - | G12/274 | 23.11.99 | 6267 | 11. 1.00 | J. B. H. - | 17 |
| 1900. | | | | | | | |
| Jan. 3 - - | T. M. - - | G11/308 | 30.11.99 | 6398 | 6. 2.00 | C. M. - - | 29 |
| „ 20 - - | L. McP. - | — | 27.11.99 | 6320 | 28. 2.00 | E. McP. - | 22 |
| „ 25 - - | R. R. . - | G9/392 | 2.11.99 | 5922 | 8. 2.00 | M. R. - - | 19 |
| Feb. 10 - - | M. J. McL. - | — | 18.12.99 | 6715 | 9. 4.00 | M. McL. - | 16 |
| „ 16 - - | W. McF. - | 2/662 | 10. 1.00 | 1446 | 2. 3.00 | R. McF. - | 33 |
| „ 20 - - | G. D. - - | — | 19. 2.00 | 2222 | 22. 3.00 | C. D. - - | 27 |
| „ 24 - - | T. G. - - | — | 10. 2.00 | 2061 | 13. 3.00 | M. G. - - | 25 |
| March 20 - - | J. McM. - | G11/268 | 5. 2.00 | 1908 | 10. 5.00 | T. McM. - | 27 |
| „ 30 - | A. C. - - | 9/ | 26. 2.00 | 2400 | 3. 4.00 | J. C., wd. - | 29 |
| April 6 - - | H. T. - - | G6/470 | 22. 3.00 | 2917 | 17. 4.00 | M. T. - - | 24 |
| „ 29 - - | E. D. - - | G3/317 | 13. 3.00 | 2722 | 12. 5.00 | H. D. - - | 22 |
| „ 26 - - | S. McK. - | 3/4964 | 29.12.99 | 6897 | 18. 8.00 | A. McK. - | 20 |
| May 5 - - | I. F. L. - | — | 28. 4.00 | 3589 | 19. 5.00 | E. B. L. - | 23 |
| „ 10 - - | F. C. - - | 7/2411 | 1. 5.00 | 3643 | 29. 5.00 | A. C. - - | 39 |
| July 18 - - | S. E. L. - | G6/602 | 18. 7.00 | 4985 | 11. 8.00 | J. L. - - | 20 |
| „ 24 - - | T. C. - - | 3/5943 | 17. 7.00 | 4959 | 26. 7.00 | E. C. - - | 24 |
| „ 30 - - | M. McG. - | 8/ | 18. 7.00 | 5012 | 14. 8.00 | A. McG. - | 31 |
| Aug. 2 - - | D. M. D. - | 1.86.204 | 1. 8.00 | 5273 | 18. 8.00 | M. A. D. - | 37 |
| Sept. 3 - - | P. G. - - | G3/629 | 4. 7.00 | 4729 | 10.11.00 | O. G. - - | 19 |
| Oct. 21 - - | A. T. - - | G5/543 | 9. 8.00 | 5427 | 9.11.00 | J. T. J. - | 23 |
| Nov. 5 - - | E. L. L. - | — | 2.11.00 | 6865 | 20.11.00 | M. L. - - | 30 |
| „ 8 - - | M. C. - - | — | 8.11.00 | 6975 | 21.11.00 | M. C. - - | 23 |
| „ 23 - - | P. R. C. - | — | 5.11.00 | 6884 | 8.12.00 | A. C. - - | 21 |
| Dec. 5 - - | H. O'N. - | G10/208 | 14.11.00 | 7090 | 19.12.00 | H. O'N., wf. - | 23 |
| „ 27 - - | G. G. S. - | — | 1.12.00 | 7363 | 11. 1.01 | J. D. - - | 26 |
| 1901. | | | | | | | |
| Feb. 6 - - | E. W. - - | — | 5. 1.01 | 1582 | 27. 2.02 | E. W. - - | 22 |
| „ 23 - - | A. McD. - | — | 13.11.00 | 7052 | 11. 3.01 | E. McD - | 24 |
| March 1 - - | J. McC. - | — | 20.12.00 | 7703 | 15. 3.01 | A. McC. - | 20 |
| „ 10 - - | M. E. McL. - | 4/3329 | 14. 1.01 | 1793 | 25. 3.01 | F. McL. - | 26 |
| „ 29 - - | K. C. - - | G5/592 | 14. 3.01 | 3239 | 18. 9.01 | C. H. - - | 28 |
| April 3 - - | J. M. - - | G8/ | 24. 1.01 | 2014 | 17. 4.01 | M. A. - - | 24 |
| „ 12 - - | H. W. - - | — | 4. 3.01 | 2962 | 20. 4.01 | A. W. - - | 31 |
| „ 26 - - | A. J. - - | 10/970 | 19. 2.01 | 2623 | 13. 5.01 | E. J. - - | 33 |
| May 23 - - | M. R. F. - | L7/3136 | 9. 1.01 | 1699 | 4. 6.01 | M. B. or F. - | 24 |
| „ 27 - - | M. G. - - | 6/8098 | 20. 5.01 | 4716 | 8. 6.01 | C. G. - - | 34 |
| June 11 - - | J. McC. - | — | 29. 5.01 | 4928 | 4.12.01 | M. McC. - | 26 |
| July 9 - - | W. J. M. - | G1/ | 28. 5.01 | 4890 | 20. 7.01 | T. M., wf. - | 26 |
| Sept. 5 - - | J. T. - - | — | 15. 8.01 | 6602 | 24. 9.01 | E. T. - - | 19 |
| „ 9 - - | R. C. - - | G11/590 | 22. 7.01 | 6206 | 12.10.01 | J. H., wd. - | 25 |

**Question 23631.**



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| Date. | Name. | Record. | Date of Mother's Admission. | Current Number. | Date of Discharge. | Mother's Name. | — |
|---|---|---|---|---|---|---|---|
| 1901. | | | | | | | |
| Sept. 13 - - | A. C. - - | 3757 | 24. 7.01 | 6252 | 22. 4.02 | W. A., wd. - | 41 |
| „ 22 - - | G. K. - - | — | 24. 5.01 | 4801 | 22.10.01 | I. K. - - | 24 |
| Nov. 6 - - | M. McG. - | 68180 | 14. 9.01 | 7100 | 19.11.01 | M. A. McG. - | 22 |
| Dec. 6 - - | J. H. - - | G5/1003 | 4.12.01 | 8536 | 23.12.01 | M. H. or K. - | 35 |
| „ 21 - - | J. McK. - | 1/365 | 21.11.01 | 8300 | 4. 1.02 | M. McK. - | 28 |
| 1902. | | | | | | | |
| March 9 - - | E. B. - - | B5/3990 | 4.12.01 | 8562 | 4. 7.02 | E. B. - - | 23 |
| „ „ - - | A. U. McL. - | — | 4. 2.02 | 2207 | 29.10.02 | M. McL. - | 32 |
| „ „ - - | J. McL. - | — | 4. 2.02 | 2207 | 29.10.02 | „ „ - | 32 |
| 14 - - | A. Q. - - | G2/ | 28. 1.02 | 2024 | 27. 4.02 | A. Q. - - | 21 |
| „ 31 - - | P. N. - - | 4/62.12. | 10.12.01 | 8788 | 3. 5.02 | M. N. - - | 27 |
| April 3 - - | C. H. - - | 8/304 | 17. 1.02 | 1801 | 4. 6.02 | C. H. - - | 20 |
| „ 20 - - | W. M. - - | 1/2160 | 11.11.01 | 8059 | 21. 7.02 | R. M., wd. - | 38 |
| May 15 - - | A. D. - - | 2.82.1 | 18. 3.02 | 3118 | 5. 7.02 | J. D. - - | 36 |
| „ 31 - - | L. C. - - | 1/ | 28. 5.02 | 4350 | 30. 6.02 | J. C. - - | 19 |
| June 25 - - | A. M. B. - | 7/6318 | 8. 4.02 | 3368 | 24. 7.02 | E. B. - - | 20 |
| July 15 - - | A. M. - - | — | 14. 7.02 | 5322 | 11. 9.02 | M. M. - - | 35 |
| „ 22 - - | J. R. McC. - | — | 4. 6.02 | 4523 | 13. 9.02 | M. McC. - | 23 |
| „ 24 - - | W. McI. - | — | 5. 7.02 | 5118 | 26. 9.02 | L. McI. - | 30 |
| „ 25 - - | R. M. - - | B5/3711 | 17. 4.02 | 3581 | 1. 7.03 | J. M., wf. - | 33 |
| „ „ - - | J. M. - - | „ | 17. 4.02 | 3581 | 1. 7.03 | „ „ - | 33 |
| Aug. 17 - - | C. J. - - | 3.96.15 | 13. 5.02 | 5062 | 2. 9.02 | C. J. - - | 25 |
| Sept. 12 - - | J. G. J.- - | G5/1430 | 10. 9.02 | 6327 | 26. 9.02 | J. G. - - | 25 |
| „ 15 - - | J. M. - - | 9/ | 11. 9.02 | 6371 | 15.10.02 | C. M. - - | 16 |
| „ 28 - - | M. McK. - | — | 26. 9.02 | 6612 | 17.12.02 | A. McK. - | 23 |
| Oct. 8 - - | I. C. - - | — | 11. 9.02 | 6365 | 22.10.02 | I. C. - - | 40 |
| „ 13 - - | H. G. - - | G1/ | 7.10.02 | 6799 | 30.10.02 | H. G. - - | 26 |
| „ 27 - - | A. C. - - | 8/1726 | 23. 9.02 | 6552 | 11.11.02 | M. C. - - | 27 |
| „ 28 - - | A. M. - - | G5/877 | 17.10.02 | 6990 | 15.11.02 | W. M., wd. - | 34 |
| „ 29 - - | J. C. - - | L90.99 | 22.10.02 | 7090 | 21. 1.03 | C. L., wd. - | 37 |
| Nov. 3 - - | M. C. - - | 1/ | 31. 7.02 | 5661 | 10.12.02 | L. C. - - | 19 |
| Dec. 20 - - | M. C. - - | 11/1375 | 16.10.02 | 6958 | 3. 1.03 | M. C. - - | 21 |
| 1903. | | | | | | | |
| Jan. 11 - - | S. R. or F. - | — | 4.12.02 | 7960 | 23. 2.02 | B. R., wd. - | 41 |
| Feb. 14 - - | M. W. - - | G1/395 | 14. 1.03 | 1812 | 28. 2.03 | A. W. - - | 33 |
| „ 15 - - | R. S. - - | G3/ | 14.11.02 | 7532 | 2. 3.03 | S. S. - - | 19 |
| March 17 - - | S. S. - - | 3/ | 9. 3.03 | 3034 | 4. 4.03 | E. S. - - | 38 |
| April 5 - - | M. H. - - | 3/ | 27. 2.03 | 2810 | 21. 4.03 | M. H. - - | 26 |
| „ 6 - - | C. McK. - | 3/ | 17. 2.03 | 2593 | 21. 4.03 | A. McK. - | 20 |
| „ 12 - - | M. K. - - | G1/2527 | 8. 4.03 | 3667 | 3. 6.03 | M. K. - - | 25 |
| „ 24 - - | G. M. or P. - | 12/772 | 27. 1.03 | 2094 | 4. 6.03 | T. P., wd. - | 29 |
| „ 26 - - | T. M. or B. - | 8/ | 19. 1.03 | 1909 | 15. 5.03 | G. B., wf. - | 22 |
| „ „ - - | P. M. or B. - | 8/ | 19. 1.03 | 1909 | 15. 5.03 | „ „ - | 22 |
| July 1 - - | G. C. - - | G4/1531 | 1. 7.03 | 5374 | 28. 7.03 | M. C. - - | 24 |
| Aug. 25 - - | A. K. - - | G3/2241 | 15. 7.03 | 5674 | 8. 9.03 | A. K. - - | 23 |
| „ 28 - - | D. G. - - | B3/1343 | 5. 6.03 | 4857 | 12. 9.03 | J. G. - - | 20 |
| „ 29 - - | M. B. - - | 12/658 | 24. 6.03 | 5231 | 20. 7.03 | D. B., wf. - | 35 |
| Sept. 1 - - | R. M. - - | G5/ | 28. 8.03 | 6732 | 14. 9.03 | H. M. - - | 18 |
| „ 24 - - | W. H. McC.- | G1/2779 | 7. 8.03 | 6238 | 19.11.03 | S. McC. - | 30 |
| „ 27 - - | F. B. - - | 8/2184 | 1. 9.03 | 6809 | 30.11.03 | A. B. - - | 20 |
| Oct. 1 - - | J. K. - - | 9/1771 | 15. 9.03 | 7122 | 16.10.03 | J. K. - - | 22 |
| Nov. 11 - - | C. J. - - | 10/2480 | 6.10.03 | 7614 | 24. 1.04 | M. J. - - | 25 |
| „ 25 - - | H. K. - - | 1.93.204 | 4.11.04 | 8232 | 12.12.03 | J. K., wd. - | 32 |
| Dec. 28 - - | J. C. O'N - | 10/208 | 24.12.03 | 9634 | 30. 3.04 | H. O'N., wf. - | 26 |

| Date. | Name. | Record. | Date of Mother's Admission. | Current Number. | Date of Discharge. | Mother's Name. | |
|---|---|---|---|---|---|---|---|
| 1904. | | | | | | | |
| Feb. 20 - - | W. W. C. - | G3/2491 | 9. 2.04 | 3106 | 5. 3.04 | M. C. - - | 18 |
| March 13 - - | J. H. - - | 4.75.28 | 30.12.03 | 9755 | 11. 4.04 | E. H. - - | 33 |
| April 9 - - | T. R. - - | — | 26. 2.04 | 3552 | 27. 5.04 | M. R. - - | 19 |
| „ 11 - - | E. H. - - | G3/1549 | 5. 2.04 | 2929 | 1. 6.04 | M. H. or B. - | 20 |
| „ 15 - - | I. McC. - | G2/3247 | 1. 4.04 | 4482 | 28. 4.04 | J. McC. - | 20 |
| „ 24 - - | F. C. F. - | 11/ | 11. 3.04 | 3904 | 27. 5.04 | M. A. F. - | 21 |
| May 4 - - | J. McC. - | B4/6140 | 8. 3.04 | 3769 | 13. 8.04 | J. McC. - | 28 |
| „ 4 - - | J. McC. - | B4/6140 | 8. 3.04 | 3769 | 13. 8.04 | J. NcC. - | 28 |
| „ 21 - - | V. C. - - | G11/1981 | 6. 4.04 | 4590 | 11. 6.04 | E. C. - - | 19 |
| „ 25 - - | J. S. - - | — | 18. 4.04 | 4969 | 10. 6.04 | S. S. - - | 25 |
| „ 29 - - | D. B. - - | G2/906 | 4. 2.04 | 2865 | 27. 7.04 | S. B. - - | 24 |
| July 25 - - | G. J. C. - | 9/ | 20. 7.04 | 7688 | 19. 8.04 | M. C. - - | 20 |
| Aug. 24 - - | A. M. - - | G12/1814 | 14. 7.04 | 7473 | 28.10.04 | M. M. - - | 26 |
| Oct. 3 - - | W. K. K. - | G6/2604 | 9. 8.04 | 8231 | 21.10.04 | A. K. - - | 20 |
| „ 16 - - | A. G. - - | G6/2211 | 16.10.04 | 10378 | 1.11.04 | M. G. - - | 23 |
| „ 29 - - | J. T. - - | B5/5413 | 19.10.04 | 10477 | 24.11.04 | E. T. - - | 27 |
| 1905. | | | | | | | |
| Dec. 14 - - | J. C. - - | S/3019 | 6.12.05 | 11703 | 13. 1.06 | S. C. - - | 20 |
| „ 22 - - | J. H. - - | L84/79 | 1.12.05 | 11555 | 4. 5.06 | J. H. - - | 19 |
| 1906. | | | | | | | |
| March 12 - - | J. W. - - | S/3545 | 18. 1.06 | 2632 | 18. 1.06 | J. W. - - | — |



23632. (*Mr. Dickinson.*) Over how many years do you say that that extends ?—Twelve years.

23633. What steps do you take which enables you to say that so few were feeble-minded ?—We have the certificate and we have a personal acquaintance with them while they are in the house.

23634. Would your attention have been drawn to that during all those twelve years ?—Yes.

23635. From your experience I may take it that it is not a very common thing ?—I think it is a very rare thing. Speaking for my own poorhouse, it is a very rare thing to have feeble-minded women coming in and giving birth to illegitimate children.

23636. Where do these people come from ?—I cannot tell.

23637. Where do most of your paupers come from ?—From the greater part of the city of Glasgow. The south side of the river is in the Govan parish. We have the north side only and it covers an area of seven or eight miles.

23638. Is that a poor part ?—There are some poor parts in it. We have the poorest part of the city of Glasgow in our parish.

23639. And according to this statement you have very few women who come in with illegitimate children more than twice; in fact none ?—That is a complete list.

23640. I suppose you made up that list from records recently ?—Yes. It has been made up since I sent in my statement to this Commission.

23641. When those records were made up, would the person who made the record have put down whether the woman was defective in mind or not ?—I am giving that information from personal observation and from the admission order and also from the medical certificate.

23642. (*Chairman.*) You knew all those cases yourself ?—Yes, personally.

23643. Is there anything you would like to add ?—I do not think I have anything to add.

23644. Have you any more information of a similar character that you would like to give us ?—No, I think I have given all the information I can think of.

23645. (*Mr. Byrne.*) Are you satisfied that you understand the word "feeble-minded" exactly in the sense that the doctors and others who have been giving evidence before us do ? Your evidence as to the small number of feeble-minded women is very striking indeed. We would like to know whether you are satisfied that you used the word "feeble-minded" in the same sense ?—I am not prepared to answer for anyone else, but I am satisfied that each of those women understood what she was about.

23646. Were they in general able to maintain themselves and earn their living ?—The best proof is that they have not become chargeable to the parish.

23647. They just came in for child birth and then went out ?—Yes.

23648. And so far as you know they were maintaining themselves when they were out ?—Yes.

23649. You saw nothing to make you doubt their power to do so ?—No.

## Sir James Alexander Russell, Ll.D., F.R.C.P.E., D.L., J.P., called; and Examined.



23650. (*Chairman.*) You have been so kind as to give us a statement of your evidence; may we put it on the notes ?—Certainly.

Statement of Evidence proposed to be given by Sir James Alexander Russell, LL.D., F.R.C.P.E., D.L., J.P., formerly Member of Town Council of Edinburgh, Bailie, Member of the District Board of Lunacy, Lord Provost 1891 to 1894.

I regret that the request for evidence by me was made at a time of great pressure of work and so late that I have been unable to read the minutes of evidence given by previous witnesses, except that of Dr. John Macpherson, Mr. Richard Brown, Dr. Charles Macpherson, Mr. J. R. Motion, Mr. John Carswell, L.R.C.P.E., and Mr. R. D. Clarkson, M.B.

The Scottish Lunacy laws, notwithstanding the need of some small amendments of a technical character, have worked with great success and the administration enjoys the fullest measure of public confidence. This I attribute largely to the wisdom with which the General Board of Lunacy has exercised its powers in harmony with public opinion, to its happy selection of officials, and in addition to the success of the chief asylums in

*Sir James Alexander Russell, Ll.D., F.R.C.P.E., D.L., J.P.*

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obtaining men of distinction as superintendents, who are personally well known, and in many cases regarded as leading citizens.

I believe that any extension of the powers of the General Board of Lunacy found necessary would be welcomed by public opinion in Scotland, and that the creation of other institutions or arrangements for persons of unsound or defective mind which were not subject to the control and inspection of the Board would be regarded with suspicion.

Some criticism has been directed to the occasional injudicious discharge of patients by superintendents of asylums, and when this is not due to error of judgment but to the expiry of sentences or other legal reasons, the law should be amended. At the same time these errors have helped to give the impression that there was no desire to retain patients in asylums and deprive them of their liberty unless it was absolutely necessary.

Unfortunately, a good many persons of unsound mind who would be the better for being certified, in their own interests and in that of the public, are in practice excluded from the benefits of the lunacy laws. This arises firstly from the existence of a restricted idea in the minds of the public and of ordinary medical practitioners as to the amount of unsoundness which justifies certification. It is common to hear an expression such as that so-and-so is insane, but not bad enough for certification: secondly, from a natural reluctance on the part of friends to formally admit the existence of insanity and so put a life-long stigma upon the patient, and thirdly from the danger of actions at law, which, although seldom successful, are always costly to the defendants. The danger of an action at the instance of a recovered or partially recovered patient is a serious consideration to the relatives of the patient and to the family lawyer among the upper classes, and to the medical men who sign the certificates in all classes. The fear of such an action renders medical men unwilling to act and has led to hardship and difficulty.

It seems desirable that some protection should be given to those who act in good faith. There are precedents for the principle in Section 30 of the Summary Procedure Scotland Act, 27 and 28 Vic. cap. 53, which protects public prosecutors, in the Vexatious Litigations Act, which requires the sanction of the Court before an action can be raised, and in the Public Authorities Protection Act, which requires that the action be raised within a limited time.

The word "malice" appears to have a special meaning in court, and malice should only be inferred from facts and circumstances averred. Probably the best solution of the question would be attained by requiring the consent of the Lord Advocate, before an action could be raised.

It is possible that considerations of expense have operated in some cases both with private persons and parochial boards in leading them to avoid certification of persons in their charge.

A certain number of the persons tried by me in the police court and in the burgh court when I was a bailie were mentally so defective and abnormal that they could be classed as unsound in mind. They were not certified as lunatics, because it is not the practice to apply the lunacy laws to such cases, and if certified, as sometimes happened, they were discharged during a temporary intermission of active symptoms to resume their old ways at once. It is probable that some persons with unstable brains may remain sane or nearly sane while under control and protected from injurious agencies in prisons and asylums, and exhibit unsoundness of mind as soon as they are subjected to responsibility for themselves with the temptations and excitements of a life of freedom.

When serving upon the committee of the School Board for dealing with parents who did not send their children to school, I frequently recognised persons among the defaulting parents who had been before me in the police court, and my colleague, the late Father Hannan, recognised the same persons as having come before him in his capacity as a member of the parochial board. Some of them were evidently defective mentally.

This shows the great expense caused by such persons who trouble the police, the prison authorities, the school board, and the parochial board in turn. The school board sees less of those who are farthest removed from sanity, because although they produce children they seldom keep them alive long enough to come before the board.

The Rev. Robert Blair, D.D., of St. John's Parish Church, who acted as chaplain to the prison for five years in his turn, and Mr. Weston, clerk to the Edinburgh Police Court, lately examined with me the records of a number of persons who had appeared before me and whom we considered to have been mentally unsound. It was surprising to find that so many of them are still alive and still pursuing the old routine of "in and out" of the prison. Their comparative longevity, notwithstanding their habits, affords a proof of the healthiness of prison life. Mr. Weston has abstracted the records now submitted of four of them—one man and one woman so violent and dangerous that they are quite unsuited for treatment in any institution where unlimited force is not instantly available, and one man and one woman whom we consider amenable to mild discipline.

I. J. K.—Charged with theft in 1870 and sent to an industrial school for five years, convicted of breach of the peace in 1877 and of furious driving in 1878, discharged from the army as incorrigible, came before me nearly twenty years ago when he had already about twenty convictions. He was with a companion who escaped, and asked a young man whom they met to buy a religious tract. On being refused J. K. instantly knocked him down by butting with the head and shoulder, and continued kicking him so long that two policemen coming from a side street caught him in the act. Soon after the expiry of his sentence, while he was being tried by one of my colleagues for a new offence, I met some of his female relatives in the waiting room, who informed me that they considered him "not quite right in the head" and that he was violent at home. He has had sentences up to twelve months' imprisonment, and has been excessively violent in prison. He is a strong muscular man, and I consider him dangerous to the public when at large. Mr. Weston's abstract of 89 convictions runs: breach of the peace, 34; assault, 30; theft, 14; Prevention of Crimes Act, 2; robbery, 2; uttering base coin, 1; various offences, 6.

II. M. K. B.—An uncontrollable woman with a record of 203 convictions: breach of the peace, 159; prostitution, 16; drunk and incapable, 12; assault, 9; theft, 2; various offences, 5.

III. G. C. M.—A man of milder disposition with 147 convictions, viz., 83 for breach of the peace; drunk and incapable, 49; theft, 6; various offences, 9.

IV. M. A. S.—A woman who is only violent when under the influence of drink, was first convicted in 1880 at the age of nineteen, and has now 215 convictions recorded against her. She came before the court at long intervals at first, but the intervals diminished, until for the last year she has rarely been more than one day out of prison after the expiry of a sentence. She was sent to a Home on May 15th, 1905, but came out and received sentence of sixty days' imprisonment that month for smashing a plate-glass window worth £6 or £7. Her record runs: breach of the peace, 162; drunk and incapable, 31; prostitution, 17; assault, 2; various offences, 3.

The efforts of philanthropy have been exerted on behalf of all four, work has been offered, clothing and money given, Homes and expostulation tried, but in vain. Their mental condition practically sentences them to perpetual imprisonment varied by short intervals of liberty, which they use to annoy and injure the public.

The only treatment of delinquents of unsound mind that promises any success in my view is that of seclusion for an indeterminate period under medical care. The warrant might be granted after a judicial inquiry by the sheriff with reconsideration of the case at intervals. A medical superintendent who considers that such a patient has recovered should not have the power to discharge him forthwith, but only to report the recovery to the Board of Lunacy for immediate inquiry.

Section 89 of the 1857 Lunacy Act confers powers on the Secretary of State for detaining an insane prisoner or arrested person in an asylum. This clause might form a precedent for granting further powers on somewhat similar lines, but it is to be noted that the word used in the clause is "insane" without the expression "or of unsound mind" of the medical certificates. As the clause is one which infringes the liberty of the subject it would probably be construed strictly.

The admission of such cases to an ordinary lunatic asylum appears objectionable in every way and unfair to respectable patients, and would probably create a prejudice against asylums. It is hard for the friends of an insane person to have to send him to an asylum, and their pain would be greatly increased if they thought that he might meet the scum of society. Even if there were no chance of meeting undesirables the name of the institution would have a stigma put upon it.

I agree with the remarks and suggestions of Dr. John Macpherson, including his proposals regarding vagrants, inebriates, and imbecile children, with the exceptions that I object to the use of ordinary asylums for persons of unsound mind of the criminal class, and that I would give freedom to parish councils to provide in any way they thought best for the cases mentioned, subject to their obtaining the consent of the General Board of Lunacy.

I also differ from Dr. John Macpherson as to the authority who should provide and manage the central institution or institutions he proposes (*page* 33), while I agree with him that such institutions are required and that they should be conducted upon the lines which he proposes, always subject to the inspection and general control of the Board of Lunacy. The erection and direct management of such institutions by the Board of Lunacy or by any other public department in Scotland is to be deprecated, and would form a new departure for the Board of Lunacy of which it has no experience, and might lower public confidence in the Board as a criticising, controlling, regulating body. If it took up such work inspection by some outside authority should logically follow, with loss of prestige to the Board as a consequence.

I would propose that after due inquiry the various parishes in Scotland should be combined in one or more groups for the purpose of erecting and managing central institutions at their own expense. Each group would elect directors or managers of the central institution from among the parish councillors. The managers charged with the care of a central institution should not exceed twelve in number, so that responsibility might be concentrated.

The travelling expenses of the managers should be paid by the group, and I would go further and suggest that assistance towards the travelling expenses of visiting deputations of parish councillors not on the management might be given to different localities in rotation. Any Government grant would be allocated by the Board of Lunacy.

The Board of Lunacy should have power under such a scheme to secure efficiency and check extravagance. Direct interference would be required very seldom for the latter purpose, as publication of the views of the Board of Lunacy would influence the ratepayers at the next election, and offending representatives would either mend their ways or lose their seats.

JAMES RUSSELL.

23651. (*Mr. Byrne.*) You say that in order to get rid of the difficulties now attending certification, doctors should have greater protection. Surely that is the law now ?—Unfortunately it does not work out in that way.

23652. Have there been many cases in which doctors have suffered in Scotland ?—Yes, there are two of our medical men in Glasgow—or rather a medical man and medical woman—who had an action in the Court the other day. They won their action and they are now appealing to the medical profession of Scotland for £800 to pay their expenses.

23653. Have there been other cases similar to that in recent years ?—Yes, but not very many. One crops up now and again and it terrorises the medical men.

23654. There has only been one case in England ?—They have been more frequent here. I suppose cases have been got up on speculation. I have had personal knowledge of the difficulty of getting a medical man to certify unless he received a large fee. When you tried to get someone who did not know the people he would not come unless you paid him a large fee.

23655. In what class of cases does the evil show itself most ?—Where the people are not very well off.

23656. People who ought to be in an institution ?—Yes.

23657. Does it lead to much evil in connection with the prodigal among the wealthier classes ?—I do not know that there is much difficulty in that respect in the upper classes, but if people that I think ought to be certified are to be certified in future, then the fear of prosecution will become a serious difficulty. I think it will be necessary to give medical men and other people connected with the certification a little more protection than they have now.

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23658. Do you think with regard to the certifying of feeble-minded persons that it is necessary to have the elaborate and long certificate such as you have in lunacy ? You know the form of the English certificate ?—No.

23659. I understand that in Scotland there are no facts stated ?—It makes it easier for the medical certifier, but if the ordinary certificate is to be used to get at a class not now readily certified then I think we must have a fairly full inquiry—the liberty of the subject comes in. When a man is so far wanting in his mind that the first person who meets him sees it, there is not so much difficulty. But if he is a borderland case, I think there should be a full inquiry.

23660. As a matter of fact, the certification of such people would come forward for consideration at a time when the State had got hold of them ?—Yes.

23661. When they were in prison, or in a maternity ward, or when they were just leaving a special school ?—Yes, I have not thought it out fully, but I do not see any difficulty.

23662. You would have a simpler phraseology ?—Yes. There is no doubt a statement of facts is difficult in borderland cases.

23663. With such a person your expert opinion is much better than any statement of facts ?—Yes ; lunacy can only be certified by the opinion of other people. There is no definition of lunacy and there can be none ; it simply comes to this that sane people think that this person is insane.

23664. With regard to deficient children who are now being dealt with in special schools, I suppose the matter has been discussed, what is to become of them at the end of their school age ?—Yes.

23665. Some of them should be dealt with permanently ?—Yes, undoubtedly.

23666. What sort of proportion do you think ?—Not a very large proportion. Their friends are able to help a considerable number after they have done with the school. I think the most economical way in dealing with all this class and the way best for themselves would be to have a very careful classification. There is no use in spending a great deal of money on hopeless imbeciles or broken down old people if they are kept comfortable. Some of these children could be boarded out and a certain number would require to be put into institutions and kept there for life.

23667. Do you think that the expert connected with the local authority could ascertain whether a case was to be a permanent case or not at a fairly early age ?—Yes.

23668. About ten or eleven years of age ?—Yes.

23669. And that would save the cost of education for four or five years ?—Yes.

23670. Would you then differentiate the education ?—Some are improved by special teaching. I should be sorry to deprive a child, that we knew would never come to anything very great, of any little advantage he might gain from continuing in a special school. I would like to make the best of him. Where the children were paid for by their own parents they would wish to keep them in the school as long as possible, hoping for some benefit.

23671. You would suggest a sort of formal inquiry when a child came to be discharged ?—Yes.

23672. And if they had a decent home you would send them there ?—Yes.

23673. If they had a neglectful home or no home, then you would begin to think of detention ?—Yes, or boarding out.

23674. Are you satisfied, from your experience, with the good results of boarding-out in Scotland ?—Yes.

23675. For girls and boys ?—Yes. I was a manager of a large school here where we got an Act of Parliament enabling us to board out our children with the happiest results.

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23676. Do you see why the system should not be tried in England?—No.

23677. It was opposed in Scotland?—Yes, at first, but that opposition has completely broken down and no one dare oppose it now. The results speak for themselves.

23678. Would you expect to see the same results in England?—I should say so.

23679. Have you any suggestions to make with reference to the people of little self-control and little power of earning a living who are in and out of the poorhouse and prison?—There is nothing that can be done for those people so long as they are allowed to be in and out. They should be sentenced to an indeterminate confinement to be revised from time to time.

23680. Are there in your opinion any considerable number of people to whom that system might be applied with advantage?—Yes, but I would not like to say that the number is very large. They give more trouble than one would expect from their numbers, they increase the cost of our police force enormously. Our former Chief Constable said that if some of these people were removed we might do with half of our police force.

23681. That applies in the same way to drunkards?—Yes, even if they are intellectually all right they have little self-control and are not able to conduct themselves as sane people should do.

23682. If powers of detention were given against such people when they came into Poor Law institutions, do you think that that would be sufficient to meet the difficulty, or would you have some agency different from the Poor Law institutions to deal with them?—I think in every case where you have to take such a serious step as to deprive a man of his liberty, there should be some inquiry, say, before the sheriff.

23683. It would be very awkward to have some people, in the poorhouse almost for life and others in and out?—Yes.

23684. You think that an institution would be a better place for them?—Yes. I am rather inclined to classify them again. I believe some of these could live under very mild discipline in a poorhouse and earn part of their own living. They behave well while under discipline, but they behave badly while out.

23685. So in any event you would think that the Poor Law system would be useful as an auxiliary?—Yes.

23686. You would not take away from the Poor Law powers?—No. I think the basis of economic administration is classification, some to be sent to the poorhouse and some to a place of detention and some to an asylum.

23687. Are there many chronic seniles and demented persons in the asylums now who might quite well get on with the cheaper form of maintenance in a poorhouse?—Yes. In Edinburgh our great asylum insisted on our Poor Law authority removing a number of these people. The asylum raised the charges so much that it was found cheaper to take them away. An asylum of that sort should be looked upon as an hospital, and that is what you find the superintendents wish it to be. They hope to be able to do some good in the way of a cure.

23688. I believe that not 30 per cent. are hospital cases?—That is so.

23689. You would like to see that altered?—Certainly, it will alter itself if the asylums charge on the hospital scale, because then the Poor Law authorities will find it much cheaper to have a place of detention fitted up with such hospital appliances as may be necessary.

23690. You heard of the evidence of the last witness as to the number of epileptics?—Yes. I have no means of judging the number, but the evidence surprised me.

23691. Would you expect there to be a much larger number?—Yes.

23692. Do you agree with the method of treatment that was suggested—an open-air colony?—Yes, I think that is the best.

23693. (*Mr. Dickinson.*) You give us four examples, of persons who have been convicted eighty-nine times, 203 times, 147 times, and 215 times; those four you know to have been feeble-minded?—I considered them to be unlike sane people.

23694. They were people who had come before you over and over again?—Yes.

23695. Was it because they came before you over and over again that you came to the conclusion that they were feeble-minded?—Partly that.

23696. Some of them came before you how many years ago?—The first one impressed itself so very much, the case of assault, that I remember it very well. It is fully twenty years ago. That man is in prison now.

23697. Would you have said that he was feeble-minded twenty years ago?—No, because I did not know enough about him then.

23698. How soon would you have felt yourself justified in saying that he was feeble-minded?—Very soon, because his own relatives told me that they did not consider him quite right in his mind.

23699. Such people instead of spending their time in prison should have been put in a place of detention?—Yes, but the first two would not be safe in any place short of a prison. The first one nearly murdered a warder, and he has been thirty times convicted of assault.

23700. Was any attempt ever made to certify him?—No.

23701. Would that not occur to you as a means of safeguarding the public from him?—I must submit that until he had proved his condition by a long series of sentences you would have had difficulty in getting two medical men to certify him. He would probably have been discharged very soon or discharged himself. I do not think that a lunatic asylum would take such a case. He was thirty times convicted of assault. He began life in an industrial school—I do not know whether it is the school of which I was a manager or not.

23702. I see your idea is that there should be an establishment for this kind of person in Scotland?—Yes, I think so.

23703. And you propose that the parishes should be grouped for that purpose. Have you any idea how many weak-minded there are in Scotland?—I do not know, but perhaps one, two, or three institutions would be enough.

23704. If one or two would be enough would it not be very difficult to group the parishes?—No, I do not think so.

23705. Do you think it would be better that it should be managed by representatives from the various parishes than taken over as a Government business?—I am strongly against doing anything by the Government that can be done by the localities. I think that every locality should do its own business if possible. It is an education for the people.

23706. Supposing that only one institution would be required for Scotland, what sort of body would you have?—It must be a small body, or it would not be well managed. I suppose they would elect members to that body in the same way as they do in the election of a Member of Parliament.

23707. You would not like a body of more than ten or fifteen people?—No.

23708. Would you have a body selected from the whole of the parishes?—I do not see any difficulty. My feeling is that the people who pay for it should manage it, and it is good for them to have the management of it and to pay for it. Public interest would not be kept up if it were merely a Government institution. They would forget all about it and grumble at having to pay.

23709. How would you pay for it?—Each parish would have to contribute.

23710. Whether they sent patients or not?—I think that would be the better way. The old toll-bar system on roads was found to be a very foolish method of maintenance, although in theory it might be all right.

23711. You would have a rate all over Scotland?—I think that a rate all over would be the easiest and cheapest way.

23712. Whatever scheme is adopted there would not be sufficient cases to mean very many institutions?—No.

23713. There must be a very restricted number, and it is important to get into our minds what you would have. You think it would be possible to have a representative

body drawing their instructions from the various parts of Scotland ?—I quite admit it would fall into the hands of the large towns by the mere size of their population and their contributions. The others would have a very small share either in the representation or in the payment.

23714. It would come to this, that there would be a Board representing Edinburgh and Glasgow ?—Yes, and other places where the population is found.

23715. At present is there anything in the way of a universal rate over Scotland that would compare with that ?—There is nothing at all.

23716. It would be a very small amount of money you would have to collect for these ?—Another alternative would be to charge for the persons sent. That raises the difficulty of the election of managers on a representative basis.

23717. How many asylums have you got in Scotland ?—I could not say, but I can name the larger ones.

23718. (*Dr. Dunlop.*) There are four Royal asylums, about twelve district asylums, twelve licensed wards in poorhouses, and three or four parochial as well.

23719. (*Mr. Dickinson.*) Do the district asylums serve more than one county ?—Yes.

23720. How do they rate ?—I cannot say. One of the few bodies I have not served on is the parish council.

23721. But you know a great deal about the local government in towns ?—Yes.

23722. You think it would be feasible to have a body that would represent all Scotland ?—Yes.

23723. (*Mr. Byrne.*) Are we to understand that you would not give the local authorities power to send people to this place, that it would be done by the sheriff and the doctor ?—Yes.

23724. The local authorities would only have to pay ?—Yes.

23725. And to manage ?—Yes.

23726. (*Dr. Dunlop.*) You are very decided in your view that there is a large number of persons, or a considerable number, who are in and out of prison and appearing before the police courts who are really mentally defective ?—Yes.

23727. You know them yourself ?—Yes.

23728. And other men who sit on the Bench experience the same thing ?—Yes.

23729. We have had two opinions expressed, the one being that they should be certified before sentence, and the other that they should be certified during the time they are in prison ?—I have never thought of that. It does not seem to me to matter very much. You want to get hold of them.

23730. Which way is more likely to be successful ?—Before sentence.

23731. Is is not more likely when they are in prison ?—I do not know. In any case they are more likely to be discovered there, but then they may escape the police for a time. I know of a man not of sound mind who has been frequently in the Edinburgh Police Court. He was seen lately on a trip to Orkney. It is a matter of indifference where they are got hold of so long as they are got hold of and treated for their own good.

23732. Would you advise that they should be treated if recommended by the bailie or sheriff, that they should be treated there and then; and if their state of mind was not recognised then, then they could be treated in prison ?—Yes.

23733. You are aware that some of these creatures who are in and out of the police courts have been several times sent into asylums and discharged from them ?—Yes.

23734. Discharged before complete recovery ?—I would not like to say that. All I know is that soon after discharge they have been found again to be doing things that indicated insanity.

23735. In the central institution that you suggest one of the advantages would be that the power to discharge would be limited to absolute recovery ?—Yes, and on probation, so that absolute recovery may be proved.

23736. I see you take exception to or disagree with what Dr. Macpherson said, that a large number of these people could be dealt with in ordinary asylums. You object to the use of ordinary asylums for persons of unsound mind of the criminal class ?—I object to sending criminal lunatics to ordinary asylums, and I express my feeling pretty fully. The friends of the other patients would not like it. I know just now of a case where the friends would have sent a patient to an adjacent asylum if it had not got a reputation for dealing with drinking and other objectionable lunatics. They did not want him to be with these people, and they sent him to an asylum much further off, where it is not so easy for them to go to see him. If these feelings exist in the upper classes, they also exist in the lower classes. I do not think anyone would wish a respectable poor man who happened to be in an ordinary asylum to meet such a man as J.K.

23737. But there are other cases. For instance in prison I see a number of cases of general paralysis of the insane who have been sent to prison for pilfering ?—That is not exactly a criminal.

23738. He may have two or three convictions ?—The pilfering might be the first symptoms of disease, but I do not think that any man who is really a criminal should be put into an ordinary asylum, as it spoils the reputation of the asylum.

23739. It has been suggested to this Commission that there should be a separate Board established to deal with mentally defective persons who are not properly certifiable, a Board separate from the Lunacy Commissioners ? I do not agree with that.

23740. There should be one authority to look after them all ?—Yes.

23741. (*Dr. Needham.*) As regards the simple certificate about which Mr. Byrne was asking you, do you not think that if there were a simple certificate it would enable a good many more to be certified without doing any substantial damage, or it would be rather to their advantage, because so many medical men refuse to certify for the reason that they find it so difficult to state the facts indicating insanity with reference to what may be called borderland cases which yet require care ?—I think that is easily covered by the Scottish Lunacy Law. That is to say the Lunacy Law would permit us to go a great deal lower down than borderland cases if medical men did not draw the line considerably higher than at the level of the feeble-minded. It might ease the minds of such people not to have to state the facts which I know is very difficult to do. A man may be quite convinced that a person before him is not sane in mind, and yet have very great difficulty in saying why it is that he thinks so.

23742. Is it not a very difficult thing for a man to put on paper facts indicating an imperfect mental condition ?—I do not know anything more difficult.

23743. It has to specify that which must satisfy a third person who has not seen the patient ?—That is so. It is very difficult.

23744. Would it not get rid of that difficulty ?—Yes.

23745. Is not that very desirable, because as long as medical men assume their present position, certification is impossible ? If they say that these cases are not certifiable from the present standpoint, then certification is impossible ?—Yes, but in my view even if you give such a form of certificate it should be as an alternative, and you should still bring the patient under the control of our Board of Lunacy in Scotland. I think there should be one inspecting and controlling body.

23746. As regards the dislike of medical men to certify because of the liability which it imposes upon them, I thought it was said of Scotland, and had been written over and over again, that the greater satisfaction in Scotland with the lunacy laws and with the practice of lunacy had led to scarcely any actions as compared with a considerable number in England, and I thought the last case was considered to be a remarkable exception to the course of practice for many years ?—There has not been an action raised for some years, and I cannot recollect one being raised successfully; but the very risk of an action is enough to frighten any man, because it costs so much.

23747. There have been very few cases in Scotland, and I believe this is quite an exceptional case. I understand that no case had occurred for a good many years ?—There was a case thirty-five years ago, and then I find that the fear that is caused——

**Questions 23748 to 23777.**



*Sir James Alexander Russell, Ll.D., F.R.C.P.E., D.L., J.P.*

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23748. Has there been no case since that time?—This was a case of a man sent to an asylum and the medical men were so frightened that there was a great difficulty in getting a second medical certificate.

23749. With reference to the foundation of an asylum of the village type recommended by Dr. Macpherson, do you think that an asylum built by the grouping of parishes would inflict a hardship on the friends of patients and the patients themselves as far as visiting goes?—Yes, that is one of the great difficulties about having only one institution in Scotland. I quite admit that there is a difficulty. Some persons would not care to go often to see an idiot child, but the best of the people would wish to see such a child or relative from time to time and the distance that they would have to travel in many cases would be a hardship.

23750. You are aware that visitation is very considerable. In some of the London asylums they have from 800 to 1,400 visitors a day at the weekly visitation?—I know that there are a great many friends constantly coming to our ordinary asylums.

23751. Do you see any way of getting over that difficulty?—Not without incurring serious expense.

23752. To cover the expense of visitation?—Yes. If there were three or four institutions then they would be relatively near.

23753. (*Mrs. Pinsent.*) Have you had experience of the education authorities?—I served on the School Board.

23754. What chance is there of this recent Act being taken up by the education authorities in Scotland? I understand it is not a compulsory Act?—I cannot say that I like permissive Acts because people are very unwilling to pay if they get the choice. If they are made to pay by Act of Parliament it is wonderful with what cheerfulness the ratepayer will pay, but if he can escape by not working the Act he is very apt not to work it. In larger towns it is different, because the people are more intelligent and have more money. In some poor country parishes it might be a serious thing.

23755. You are aware that it is not even every big town in England that has taken up the Act. I suppose it might be the same in Scotland?—I know that the School Board of Edinburgh are discussing the question just now, and they are likely to have a special school for defective children.

23756. You would have been glad to have seen introduced a clause making it compulsory on large towns?—Yes. Smaller places might have been allowed to group.

23757. You would follow the lines of the Blind and Deaf Act?—Yes.

23758. You do not think that any great benefit will come from the Act until there is such a clause?—I am afraid not.

23759. A partial operation of the Act would be a catastrophe?—I do not think so. A partial operation of the Act would do good and it is always educating the people.

23760. You look forward to the time when there will be a more general adoption of the Act?—Yes.

23761. One is sure to follow on the other?—Yes, I think so.

23762. (*Chairman.*) Are you acquainted with the industrial reformatory school system in Scotland?—I have served on the board of an industrial school and on that of a reformatory.

23763. Do you think such an institution as that might be suitable for dealing with feeble-minded children?—I am afraid that an industrial school would not be a place for them.

23764. I do not mean the existing industrial schools, but something of the same kind?—If you have detention, then education and work would have to go together. For his own benefit every person in any institution should get as much work as he is able to do. He learns something and he feels that he is doing something for himself. So far a industrial schools combine education and work, then they are a good model to follow. In a case like this, however, it must be more a medical institution than an industrial school. I think it ought to have a medical head, if possible, or a layman who is very closely in touch with medical men.

23765. You have no objection to the system; you only recommend a modification?—Yes.

23766. Do you think you would have any difficulty in getting people to start industrial schools?—Yes, I am afraid so. The one of which I was a manager for many years failed in the end for want of financial help.

23767. As a rule, they have no difficulty with the grant in maintaining their position, have they?—The grant was small enough, and then there were a number of causes that came into operation. In fact we could not make it pay.

23768. In your statement you say that the erection and direct management of such institutions by the Board of Lunacy or by any other department in Scotland is to be deprecated. You deprecate the erection and management of those institutions; but if they were to be elected by the local authority that would entail a very heavy burden on the local authorities?—Yes. I think the only right way is for the local funds to pay.

23769. Do you see any objection towards a grant being made by the central body to local bodies for the erection of such buildings and the local bodies keeping them up afterwards?—The only reason I ever care for a Government grant is that it gives a right to a Government inspection. I do not know that it is the most economic or the best way of raising money first to collect from the Imperial funds and then deliver it over to local authorities.

23770. You would require to have an inspection from the central institution?—One could not get that unless one had a grant from the Government or the central institution. People put up with Government inspection as the price of Government assistance.

23771. (*Dr. Dunlop.*) Is it likely that a town such as Edinburgh would subscribe out of the town fund to maintain reformatory schools for the weak-minded?—They do subscribe to reformatory schools, but very inadequately. The reformatory schools are constantly reproaching the Town Council for not giving them a satisfactory amount in return for the number of cases sent to them from the police court.

23772. It is very unlikely that they would subscribe for the more hopeless cases?—That is so.

23773. (*Mr. Dickinson.*) Would a system of industrial schools be a satisfactory one from the point of view of administration?—Industrial schools are charities, and they are managed by boards. They are kept up by subscriptions from the public and they get some assistance from the local authorities. The boards are elected by the subscribers. I am afraid it would require to be on a different footing.

23774. (*Dr. Needham.*) Would it not follow as a matter of course that, if you had establishments started for the compulsory segregation of people of that class, then an inspection of some kind should take place from some central body?—I think an inspection by a central body like our Board of Lunacy is necessary for two reasons, first to help the local people with advice and criticism—they know what other people are doing—and secondly to give to the public an assurance that the places are well managed.

23775. It would follow as a matter of course that if people were compulsorily detained then the place where they were detained should be inspected by an outside authority to insure that improper people were not being detained?—Yes, and to gain public confidence

23776. There would be no objection to that, even although the money came from local sources?—I think they scarcely look upon inspection by the Board of Lunacy as a Government inspection. I know there are many cases where local bodies look upon the grant as the price of being subjected to an inspection, and I am sure that there would be an outcry against Government inspection unless they got Government grants.

23777. I put it that the only ground for a Government inspection was that the people were being detained against their will?—Yes.

JOHN WILLIAM GULLAND, Esq., M.P., called; and Examined.

*John William Gulland, Esq., M.P.*

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23778. (*Chairman.*) You have been so kind as to give us a statement of your evidence; may we put it on our notes?—Yes, surely.

STATEMENT OF EVIDENCE PROPOSED TO BE GIVEN BY JOHN WILLIAM GULLAND, ESQ., M.P.

I am Member of Parliament for Dumfries Burghs, and Member of Edinburgh Town Council. From 1900 to 1906 I was a Member of the Edinburgh School Board, and it is from experience gained there that I will state some points on the administrative aspects of the question.

In visiting the ordinary day schools I was always struck with the number of mentally defective children and the necessity of providing special training for them. Unfortunately in Edinburgh public opinion has never been roused on the subject, and the abortive attempts at legislation have delayed the solution.

ATTEMPTS AT LEGISLATION.

In 1904 the then Government introduced the Education (Scotland) Bill, 1904, and Clause 35 ran as follows: "The provisions of the Education of Blind and Deaf Mute Children (Scotland) Act, 1890, shall be read and have effect as if the same were expressly applicable to the case of epileptic or crippled or defective children as well as to the blind or deaf mute children." Agitation rose against this. The International Home Relief Congress sat in Edinburgh during the time the Bill was before Parliament and it was attended by a large number of people interested in the subject. After a discussion on the care of defective children a resolution was unanimously passed thanking the Government for the proposal, and urging them to retain the compulsory nature of the clause. Owing to difficulties about area and finance, the Bill, however, was withdrawn.

In the following session of 1905 another Bill was introduced, and in this case Clause 35 was not repeated, but a provision inserted, making it optional for school boards to provide for the education, medical inspection, and conveyance to and from school, of defective and epileptic children. Again the Bill failed to pass owing to the difficulty of securing sufficient Parliamentary time for its consideration.

This session I introduced a little Bill—the Education of Defective Children (Scotland) Bill—picking out from the 1905 Bill the clauses dealing with the matter. This has passed the House of Commons without opposition or amendment, and has every prospect of passing the House of Lords. Its scope, of course, is very limited. I should have liked to have introduced a compulsory and much more comprehensive Bill, but, knowing that a private Member could not possibly hope to carry such a measure, I contented myself with framing a Bill on modest lines that were likely to commend themselves to everyone. If it passes, this Bill will have the advantage of allowing school boards to take the matter up and to devise schemes that will ultimately lead to a wider treatment.

ACTION IN EDINBURGH.

Edinburgh has as yet done nothing for these children. Last winter the school work committee of the Edinburgh School Board took the matter up, and at their request I framed a report giving information and proposals about the treatment of both physically and mentally defective children. From that report I extract the following:—

"Returns have been received from the headmasters of the different schools showing the children at present on their rolls who they consider fall under this definition. Details are given as to name, address, age, educational standard, and the exact nature of the defect. The returns show 190 mentally defective, 105 physically defective, and forty-three both mentally and physically defective, or a total of 338. A stricter inquiry would probably show that most of the forty-three would really fall under the head of mentally defective, while a proportion of the physically defective are suffering from defects of the eyes and ears which scarcely make them fit subjects for the special classes proposed.

Another return has been received from the attendance officer of defective children who are not on the rolls of any of the schools. On this list are 198 names, some of whom undoubtedly are not in a physical condition to attend any school.

The first step would be to have all the children examined by a medical man, who would report as to the suitability of each case for special tuition. The Board might appoint a doctor, either paying him a small fee or a fixed salary, remembering that his services will be constantly required with regard to further treatment of these cases.

MENTALLY DEFECTIVE CLASSES.

An analysis of the addresses of the mentally defective children shows that they naturally divide themselves into six districts as follows:—Central, North-East, North-West, South-East, South-West, and Portobello. In the meantime arrangements might be made to set apart one or two rooms in existing schools that would serve each of these districts. The hours might be slightly different from those of the other children, and the playground might be available at the time when the other children are in their classes.

Going by the experience of other cities where similar classes have been started, I suggest some such scheme as the following:—

The teachers should be specially selected for quickness and brightness, and should be sent for a short period either to London, Manchester, or Glasgow, to have some training for the special work. In most places they are paid £10 per annum extra salary. The children could find their own way to school, or in some cases be brought by their mothers or other children.

*Suggested Time-Table.*

| | |
|---|---|
| 9.15—10.0 | Religious Instruction. |
| 10.0—12.0 | Lessons. Though the Code specifies twenty as a class, it is found in actual practice that a teacher cannot efficiently superintend more than about fifteen owing to the different ages and attainments and the necessity for close personal attention. |
| 12.0—1.0 | Would be an interval when the children could either go home for dinner or dine in school. |
| 1.0—2.30 | Manual instruction, such as knitting, sewing, basket-weaving, clay-modelling, drawing, brush-work, with wood-carving as a reward. Singing and drill would also be given. |

Single desks are necessary, and the rooms should be bright. The age at which the children should begin to come would be seven, or, if thought advisable, even so low as five, and a grant is given up to eighteen. The attendance is usually good, about 85 per cent. Nature Knowledge might be given in some garden or park near. The children must be kept employed, and no lesson on one subject should last more than fifteen minutes. The teachers would be expected occasionally to call for the parents and discuss with them the best treatment of the child. At first it may be found that some parents will object to their children being considered defective, but the general experience is that this dislike is soon overcome."

Various circumstances, and specially the need of legislative authority to spend rates for these purposes, delayed the adoption of the scheme, but since the triennial school board election in March, 1906, the matter has been taken up again and will probably be carried through shortly.

ACTION OF THE SCOTCH EDUCATION DEPARTMENT.

The only reference to the matter in the code of the Scotch Education Department is the following:—

*Article* 20. II. (*a.*) Where provision, satisfactory to the Department, is made for the instruction of "defective" or "epileptic" children* in

* By "defective" children shall be understood children who, not being imbecile, and not being merely dull or backward, are defective, that is to say, children who, by reason of mental or physical defect, are incapable of receiving proper benefit from the instruction in the ordinary public elementary schools, but are not incapable by reason of such defect of receiving benefit from instruction in such special classes as are mentioned in this article. By "epileptic" children shall be understood children who, not being idiots or imbeciles, are unfit by reason of severe epilepsy to attend the ordinary public elementary schools.

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special classes (limited to 20 pupils), specially reserved for such children, under teachers specially approved by the Department for the purpose, the grant under Article 19 B. 1. (*b.*) and (*c.*) may be allowed as for an average attendance of 50, or any less number that the Department, having regard to the circumstances of the case, may determine.

(*b.*) Application shall be made to the Department beforehand for the recognition of any such special class, and a separate return of the attendances thereat shall be made.

(*c.*) No child shall be admitted to the special class except upon the certificate of a duly qualified medical practitioner, approved by the Department, that the child in question is "defective" or "epileptic," and provision must be made for the subsequent medical examination of the children at such intervals as the Department may approve.

It will be seen that this gives no financial assistance whatever, and I feel that the Department should encourage the education of these children by special grants, as is done in England. It might also issue a circular to school boards, giving a synopsis of what has been done in other places, and suggesting to school boards that they might take action, either singly or by uniting. Small school boards could hardly be expected of themselves to initiate such a policy unless they were aided by a special grant. It must be admitted that in Scotland public opinion has not been educated on this matter. Teachers know the difficulties, and are often greatly hampered in their class work by the presence of one or two feeble-minded children, who retard the whole class and receive no benefit themselves. In Edinburgh a census of children in the city is taken annually in August, and the feeble-minded children are in most cases passed over without note being taken of them, because the School Board has no means of dealing with them. Another instance of this neglect is that children suffering from epileptic fits have been ordered not to attend the school. This is no doubt an advantage for the other children, but no provision is attempted to be made for the poor sufferers. I feel that school boards should be made actually responsible, as they are now theoretically responsible, for all the children of school age in their district, and that they should either arrange themselves for the education of these children, or see to it that arrangements are made for every class that are sound or unsound.

COMPULSORY LEGISLATION.

Probably the provision in the Bill of 1904 would be the most satisfactory. This extends to defective and epileptic children the provisions of the Education of Blind and Deaf-Mute Children (Scotland) Act, 1890, which runs as follows:—

EDUCATION OF BLIND AND DEAF-MUTE CHILDREN (SCOTLAND) ACT, 1890.

*An Act to amend the Law in regard to the Education of Blind and Deaf-mute Children in Scotland.*—[14*th August* 1890.]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice of the Lords Spiritual and Temporal and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. *Short Title and Construction.*—This Act may be cited as the Education of Blind and Deaf-mute Children (Scotland) Act, 1890; and shall be construed as one with the Education (Scotland) Acts, 1872 to 1883.

2. *Extent and Commencement of Act.*—This Act shall extend to Scotland only, and shall come into operation on the first day of January one thousand eight hundred and ninety-one.

3. *Duty of School Board where Parents unable to provide Education, etc., for blind and deaf-mute children.*—If the parent of a blind or deaf-mute child between five and sixteen years of age is from poverty unable to pay for the education of such child as hereinafter mentioned, it shall be the duty of the school board of the parish or burgh in which such parent resides to provide out of the school fund, at rates to be approved of by the Scotch Education Department for the efficient elementary education of such child in reading, writing and arithmetic, and for his industrial training either in a school belonging to such school board or in some other school or institution approved of by the Scotch Education Department; and where necessary the school board shall be bound to provide for the boarding of the child at some place approved of by the school board, and for the transit of such child to and from such school or institution or place, at rates to be approved of by the Scotch Education Department.

*Procedure for Enforcement of Duty.*—Provided that—

(1) Where a school board making any payment in pursuance of this section is not the school board of the parish in which the parents of any such child, as aforesaid, has his legal settlement in terms of the Act eighth and ninth Victoria, chapter eighty-three, it shall be entitled to relief in respect of any such payment against the school board of the parish in which such parent has his legal settlement as aforesaid; and

(2) If any school board shall refuse or delay to discharge any duty or fulfil any obligation arising under this section, it may, on a summary application to the sheriff at the instance of any person interested, be ordained to do so, and the order of the sheriff, which may dispose of all questions of expenses, shall be final and not subject to review.

4. *Contribution, etc., by School Board towards School for blind and deaf-mute children.*—Any school board may also, from time to time, with the consent of the Scotch Education Department, contribute such sums of money and on such conditions as it may think fit towards, or itself undertake, the establishment, building, alteration, and management of a school for the education of blind and deaf-mute children, and the purchase of land required for such a school, and the support of the inmates thereof, and for that purpose shall have the same powers as it has for the purpose of providing sufficient school accommodation for its district; and school boards shall have the same power of borrowing, and the Public Works Loan Commissioners of lending, for the purposes of contributing towards, or of establishing, building, or enlarging such a school, as is conferred by Section 45 of the Education (Scotland) Act, 1872, with respect to providing or enlarging a schoolhouse.

5. *Meaning of "reasonable excuse."*—It shall not be deemed to be by itself a reasonable excuse, within the meaning of Sections 9, 10, and 11 of the Education (Scotland) Act, 1883, for the non-attendance of a child at school that such a child is blind or a deaf-mute, except in the case of a deaf-mute child under seven years of age.

6. *Regard to be had to Religious Persuasion of Child.*—(1) In the performance of this duty under this Act with respect to a child, a school board shall have regard to the religious persuasion of the child, and shall, as far as possible, arrange that if the child attends a school or institution, not being a public school, the school or institution shall be one conducted in accordance with the same religious persuasion; and if the child is boarded out, shall arrange for the boarding out being with a person belonging to the same religious persuasion.

(2) A child shall in no case be compelled to receive religious instruction contrary to the wishes of its parent.

7. *Saving as to Rights of Parent, etc.*—(1) The parent of a blind or deaf-mute child shall not by reason of any payment made under this Act in respect of the child be deprived of any franchise, right, or privilege, or be subject to any disability or disqualification.

(2) Payments under this Act shall not be made on condition of a child attending any school or institution other than such as may be reasonably selected by the parent, nor refused because the child attends or does not attend any particular school or institution.

8. *Inspection of Schools, etc.*—Every school or institution to which a child is sent in pursuance of this Act shall be at all times open to the inspection of any of Her Majesty's inspectors of schools.

9. *Parliamentary Grant for Education of Blind and Deaf-mute Children.*—Nothing in any Act of Parliament shall prevent the Scotch Education Department from giving aid from the Parliamentary grant to a school or institution in respect of education and industrial training given to blind or deaf-mute children, to such amount and on such conditions as may be directed by or in

pursuance of the minutes of the Scotch Education Department in force for the time being.

This has worked extremely well. Parents make application to the School Board, which considers the case, and, if so advised, sends the child to the appropriate institution. At the last return, Edinburgh School Board maintained twenty-five blind children and twenty-five deaf-mute children at institutions not under its own management. The Blind Asylum gives a quarterly report on each child, and the attendance officer of the Board visits all the children and reports on each. The cost per head for education and board is £20 per annum, and the total cost of blind and deaf-mute children in Edinburgh for the year to 15th May, 1905, was £788. From this falls to be deducted £72 received from parents and £17 received from other school boards, together £89, or a net cost to the Edinburgh rates of £699.

BOARDING INSTITUTIONS.

Undoubtedly many cases should be sent not to a special day school but to a boarding school. At present, there is not much room in Larbert or Baldovan, and I have often known of cases that would have greatly benefited by such treatment that have just had to stay at home. I cordially agree with the evidence given suggesting the erection of two more institutions in Scotland. Provision should also be made for effective help from Government for any private institutions that might be started. For instance, there is at present a home at Aberfoyle which takes in physically defective cases from the special schools in Glasgow, and though it is doing work like similar schools in England, the English schools get Government grants and the Aberfoyle Home gets none.

YOUTHFUL OFFENDERS.

A matter that might be brought before your Commission is the fact that a larger proportion of feeble-minded children find their way into the Police Courts than ordinary children. By the terms of the Youthful Offenders Act, 1901, intimation is made to the Clerk of the School Board of all offenders under fourteen years of age. He directs the attendance officer to visit the schools to see whether these children have been regular attenders, and he also intimates to the headmaster the name of the child with the nature of the offence and its punishment. For the year to 31st August, 1905, there were reported to the Edinburgh School Board 475 cases, being 19 girls and 456 boys. These cases are supposed to be taken separately from the ordinary criminals, but as a matter of fact they are a great deal too much associated with them. Some of the offences are sufficiently serious, but many are of the nature of playing football on the streets. I have gone through a number of these papers and am struck with the sentences pronounced. In many cases the punishment is a fine of one shilling or six hours in the cells. A boy with poor parents cannot find the shilling, and he spends six hours in a cell. On emerging therefrom he receives a glass of milk and a bun, and returns to school to become a hero with his comrades, but having begun his career as a criminal. Especially in the case of the feeble-minded this is disastrous. There should either be a special children's Court, or what I would suggest, that in these matters the offenders should be brought before the School Board. The Board sits as a Court to deal with defaulting parents, and I feel it would be the most suitable authority to deal with children, at any rate for the first offence. It might be empowered to inflict a minor punishment that would be suitable for the offence. I have seen several cases of feeble-minded children who have in later years become a nuisance to their friends and to the State, and would strongly support the proposal of Dr. Eichholz, that specially to prevent propagation of such a species, powers should be given to detain either temporarily or permanently feeble-minded persons who cannot take care of themselves.

While I strongly urge the necessity of legislation, I must admit that public opinion in Scotland needs educating on this whole subject, though I believe that the best means of educating would be to pass legislation, which I do not think would receive much opposition.

23779. (*Dr. Dunlop.*) You are strongly in favour of the institution both of special classes and boarding schools for defective children?—Yes.

23780. What is your opinion as to the authority that should take care of these children? Should they all be kept by the school board authority or should they be handed over to the lunacy authority?—The school board authority.

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23781. You would put such institutions as Larbert and Baldovan under the school board?—I think it would be a great advantage.

23782. On what ground?—You will find that if all children of school age are under the authority of the school board indirectly or directly, then you make quite sure that everyone is cared for, whereas if you have a division of authority then you are sure to have some slip. That is the experience in other spheres.

23783. You would have one authority to take care of all classes?—Yes.

23784. That is with an age limit?—Yes.

23785. Suppose you had a child of twelve years with acute acquired insanity, would you leave that child with the school authority?—No, not if it was incapable of education. I should make that the stipulation, that the child should be capable of education.

23786. That was the point I wanted. Every child capable of education should be under the education authority?—Yes.

23787. Take the cases at Larbert or Earlswood—practically none of them are fit for education in the ordinary sense of the word; they may be fit for a certain amount of training to alleviate their condition, but it does not follow that their condition may be cured?—I do not know about that.

23788. The more extreme cases you would take from the school board?—Yes.

23789. Only so long as they were unfit for education?—Yes.

23790. That means that practically all the boarding schools would not be under the school board?—If you take it for granted that they are as bad as you say, but I do not agree with that. I think there are cases we should be able to make something of.

23791. Experience has not shown that. I believe you are responsible for the introduction of a Bill recently, in which the English clause excluding simply backward children has been included or copied?—That is a definition that is in the present Scotch Code.

23792. It was copied out of the English Bill. Do you not think that is rather a pity?—"By defective children shall be understood children who, not being imbecile, and not being merely dull or backward are defective." That is what you mean?

23793. It is only the dull and backward children who are educable, and when you exclude them you exclude all educable children?—I do not think so. As I have seen them in the schools there is a difference between the backward children and the defective children. The backward children may associate with other people and get good by going to a class lower than their age would put them into.

23794. Have you been round the special schools in London?—No; but I have been in Glasgow.

23795. Of all the numbers that go in London there are practically none who reach Standard II. That amounts to uneducability?—No, I do not think so. I think that even a certain amount is better than nothing.

23796. But the dull and backward are those who would be benefited by the special treatment, and unfortunately the Bill excludes them?—Of course, it is really a matter of definition, and I have been going on the definitions which I understood to apply.

23797. Do you like that definition, or if there is any future legislation, would you like it modified so as to admit dull and backward and exclude the defectives?—No, I would not like to give up the idea of the defectives.

23798. Regarding the teaching in these special classes, a great deal of it is manual training?—Yes.

23799. They are not fit for book learning?—No.

23800. Is it essential that all the teachers should be highly certificated in book learning?—No, I do not think it is.

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23801. We know that in a great many special schools it is necessary to hold the ordinary teaching certificate before a woman is allowed to teach these backward children to use a needle and thread. Do you approve of that ?—No, but I think the capacity of knowing how to teach is extremely essential and therefore you do need a trained teacher and one that is sympathetic.

23802. But do you not think that a teacher trained in an imbecile asylum would serve better than one who has attended classes in Edinburgh University, say ?—I do not want special attainments. As a matter of fact, I think the deaf and dumb teachers are the best.

23803. My reason for asking that is that, so far as I can understand, the possession of a teaching certificate adds enormously to the wage these women expect,—they expect some £100 or £120 a year. It seems unnecessary to have such a highly trained woman to teach the children to use a needle and thread and to wash their faces ?—You do not want a very high knowledge of Latin and Greek, but the knowledge of how to teach is of the utmost necessity, the knowledge of the mind of a child and therefore a capacity of knowing wherein the defect arises.

23804. You want a specially trained set of teachers ?—Yes.

23805. The ordinary teaching certificate from this point of view is practically valueless ?—I would not say that. I believe that to teach infants requires different qualifications from the qualifications required in teaching the higher age classes, but they have to go through the same training as ordinary teachers.

23806. Do you think it is desirable for the special schools to be hampered by the enormous expense of teaching ?—If you could get people who would be really capable of teaching these children without all the special training then I would be quite glad.

23807. (*Mrs. Pinsent.*) I do not think there is anything in the present regulations to prevent an uncertificated teacher taking a class so long as the head of the school is a certificated teacher ?—I am afraid the Scottish Education Department would not pass that.

23808. You might have an ex-pupil teacher ?—You might, but the Department are driving them out. The Code says, "Where provision, satisfactory to the Department, is made." Now they might quite well allow the ex-pupil teacher, but that class of teacher in Scotland is being driven out, and within the next week or two there will be a new code of regulations which will really almost prevent their being recognised in any way at all.

23809. (*Dr. Dunlop.*) You make a suggestion in your statement about school boards acting as judicial authorities with reference to youthful offenders. At present what judicial authority do they have ?—They have a meeting with defaulting parents who are not sending their children to school. They have no power of punishment, but they send the parents on to the sheriff. They sit as a Court.

23810. But they have no power of punishment ?—No. It is a question of moral discipline. The idea is that the moral effect on the parents coming before them is that they are more careful in future.

23811. And it is a practical suggestion that the school board should take the youthful offenders in hand and punish them by spanking them or in any way they think right ?—Yes. I think that is most likely to be beneficial.

23812. It is gentler ?—Yes, and less harsh.

23813. It has been suggested to this Commission that the duty of taking charge of defective parents is a thing that might be supported by charitable funds. Is it a matter in regard to which charitable funds will ever come forward and deal both with adults and children ?—No, I am afraid not.

23814. It has completely failed in the past ?—I am afraid so.

23815. We cannot depend on charity being enough to meet the situation ?—I am afraid not. You might begin with a spurt, but it is very apt to fall off.

23816. Do you anticipate that there will be a spurt ?—There might be.

23817. Is it what you call a popular subject ?—No. It might be done with the children, but not with the adults.

23818. The corollary is that it must come on public funds ?—Yes.

23819. Either local or central ?—Yes.

23820. (*Dr. Needham.*) Do you think that if you were to hand over the care of the feeble-minded, as distinguished from the insane, to the Lunacy Board, it would create a prejudice in the mind of the public by putting on the feeble-minded the stigma of insanity ?—Yes.

23821. Do you see your way out of the difficulty ? Persons suffering from mental disorder should be under one authority, but is that a reason why this particular class should be under the lunacy authority ?—I think it is more in the name than anything else.

23822. Do you think it is desirable that there should be a Board constituted *ad hoc* ?—Yes.

23823. Or that they should be handed over to the Local Government Board ?—I think you may quite well erect a board *ad hoc*. We have many such in Scotland for varying purposes. In my statement I have dealt entirely with children, but I am quite willing to answer other questions.

23824. (*Mrs. Pinsent.*) You were talking about reasons for sending children to boarding schools. Do you think one of these reasons to be very bad home conditions ?—You mean combined with mental defect ?

23825. Yes ?—Yes. We have a day industrial school in Edinburgh—of course that is not for defective children—and I have been very much struck with the tremendous difference made in these children through the mere fact that they were withdrawn from bad home surroundings.

23826. That would apply to certain mental defective children ?—Yes.

23827. It would not necessarily follow that those cases would be degraded mentally ?—No.

23828. And therefore they might be uncertifiable according to some opinions ?—Uncertifiable as insane ?

23829. Yes ?—Yes.

23830. You could not deal with them under the lunacy authority ?—No.

23831. That would be an argument in your mind for the education authority being the authority to deal with defective children ?—Yes.

23832. Would you not like to see introduced a compulsory clause into this Defective Children Act ?—Yes.

23833. Is it your opinion that a good many authorities in Scotland would not otherwise put the Act into operation ?—I think it will be done only in the large towns. I am very hopeful that the Education Department will do something to induce them to put it into operation, because school boards here are very apt not to do things on their own initiative unless it is suggested to them by the Scottish Education Department. Unfortunately local initiative has been a good deal taken away by the Department being a great deal autocratic—perhaps that is too strong a word to use. I hope either by giving them an extra grant or in some way or other they will induce the boards to do it.

23834. It would be very difficult without an extra grant. There is no doubt that special education is more costly than ordinary education ?—Yes.

23835. And without some inducement of that kind they will not take it up ?—That is so.

23836. It is a great expense to come on the educational rate ?—Yes.

23837. Are you of opinion that it is amply justified by the probable results ?—We have not seen the results here.

23838. You know of them in England ?—By what I have heard and read I would say it is quite justifiable.

23839. What I would like to ask is whether you are convinced that this class of children exists. I daresay you are familiar with the Report of the Departmental Committee appointed to inquire into these things, and they assert that there is a class of children who are between the dull and backward and the certifiable imbecile. Is that your opinion ?—Yes.

23840. It would be impossible to certify all the children that you would deal with in special classes ?—Yes.

23841. Therefore, to deal with them in any other way except through the educational authority would be extremely difficult ?—Yes.

23842. I should like to refer for one minute to the question of the training of teachers. Have you had any experience of placing an absolutely untrained teacher before a class of twenty children ? Do you think any difficulty would arise in the way of discipline or order if quite an untrained teacher were placed in charge of the class ?—In Glasgow I think they begin by sending their teachers to London and Manchester.

23843. They were teachers to start with ?—Yes.

23844. Would you be of the opinion that a person who had gone through the ordinary drill of a pupil teacher and who knew about children, and keeping them in order and so on would manage them better and get more work out of them than a perfectly untrained person, even although she had a motherly interest in the children ?—Yes, I think that the training how to teach is essential.

23845. It does not follow that they need have a first class certificate ?—No.

23846. An ex-pupil teacher would probably meet most of the requirements ?—I do not say necessarily an ex-pupil teacher, but someone who had gone through the Training College and knew something about the mind of a child. I would not insist on very high qualifications in other subjects.

23847. Some people have the gift of teaching, and only require a very little training in the discipline of the class ?—Yes.

23848. Those carefully selected would be sufficient for the purpose ?—Yes.

23849. Except perhaps in the case of the head teacher ?—Yes.

23850. You would be in favour of a compulsory clause in the Act making it compulsory on all town authorities ?—Yes.

23851. Would you also be in favour of introducing a compulsory clause similar to that in the Blind and Deaf Act compelling parents to make necessary provision for their children ?—Yes.

23852. You would not leave it to the option of the parents whether they should have their children trained in a boarding school or not ?—In the Blind and Deaf Act it is the duty of the school board.

23853. But in the English Act there is also a clause compelling parents to send their children to a blind institution. You would be in favour of that ?—Yes.

23854. Whether the parents wished it or not ?—Yes, I would do that.

23855. Exactly the same principle as that on which you compel them to send their children to school ?—Yes.

23856. You would compel them to send the children to be trained properly ?—Yes.

23857. (*Mr. Byrne.*) What degree of improvement do you expect that this system of school education will make in the backward children who undergo it ?—I suppose it differs in different cases.

23858. Some will be found to be merely dull and backward, and they will be sent to the ordinary schools, while others will be found to be imbecile and will be rejected ?—Yes.

23859. Take the case of those who are feeble-minded and no worse or better, what will be the result of education on those children up to sixteen ? Will it enable them to lead prosperous and non-criminal lives ?—Judging from what I have read it would. You cannot expect to make them very flourishing citizens, but you can save them from a good deal and save the community from a good deal.

23860. Their habits will be so much improved that they will be better citizens than they otherwise would have been ?—Yes.

23861. Do you think that that will last, or will the effect soon pass off ?—I should think that the effect would last in a sufficient number to make it worth while. There are a great many people who pretty quickly lose the effects of their ordinary education, but still you educate them on the assumption that with most of them it will stick.

23862. But taking the best anticipations, the special school would turn out every year a certain number, greater or less, of children who to the full knowledge of the teachers were unfit to live in freedom ?—Yes.

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23863. There would be some every year unfortunately ?—Yes.

23864. If you had 100 discharges you would have fifteen or twenty unfit to live in freedom ?—Yes.

23865. What do you think is the duty of the State or the educational authority with regard to these children ?—In many cases detention in some form or another is the proper thing in order to save the community.

23866. And also to save the children from degradation ?—Yes.

23867. Would you consider that a duty should be definitely imposed on the education authority, to advise and in fact to decide as to what should be done with the child that was not in a position to be released into freedom or put into the care of its parents ?—Yes.

23868. There should be some examination to see whether it would be desirable to board out the child or to send it to an institution ?—Yes, and if the medical examination were going on all the time of school life—which I hope it would be—then you might form some very definite idea.

23869. Everyone who knows about it would accept the decision of the teachers and the medical officer fully, because they would know that it was based on full knowledge ?—Yes.

23870. To what sort of institutions do you think that those children who require custodial treatment should be sent, children who have no homes good enough to receive them or homes where their guardians could not control them ?—Some kind of special boarding school.

23871. It would not be a school in this sense that there would be no use carrying on a training after sixteen ?—You mean after the school age is over ?

23872. Yes. What would you do with those who have no proper homes, or have not self-control or prudence to look after themselves ?—They should be placed in as comfortable a home as possible under supervision, so as to be guarded from themselves. I think it would pay the community to do that.

23873. The community, if it designed these homes well, might obtain some advantage from their labour ?—I think so.

23874. Do you think that they would give to a considerable amount ?—No, I do not think they would make much out of the labour in any place like that.

23875. Would it be worth trying to design these institutions as labouring places ?—Yes, for their own interest, to give them some interest in life.

23876. That would have to be considered ?—Yes.

23877. The State would have to consider that ?—Yes, and through that you might have, if not an improvement, at any rate a prevention of further deterioration.

23878. Do your remarks apply equally to epileptic children whose chief defect is in the mind ?—Yes.

23879. Some of them would be able to go to good homes when discharged, while others would have to be taken care of ?—Yes.

23880. (*Mr. Dickinson.*) The Bill which you have in Parliament this year simply gives power to the school boards to spend money on investigations—or does it go further than that ?—It was really designed for physically defective children as well as mentally defective children. In Scotland there has been really no legislation about either. My experience of the school board here was that we were prevented from dealing with the physically defective children because we could not spend the rates on them. The same thing applied to some extent with regard to the mentally defective, and therefore the Bill provided for the education, for medical inspection, for conveyance to and from school of these children.

23881. And for special classes for defectives ?—Yes.

23882. It would give the power to your school board to carry out all that shall be required if they wished it ?—Yes, but only so far as day school education is required.

23883. You do not extend it to boarding schools ?—No.

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23884. The Blind and Deaf Acts amount to this, that when there is a blind or deaf mute child whose parents are unable to pay for its education, then the school board is bound to provide for that education?—Yes.

23885. And for that it has power to build boarding schools?—Yes.

23886. What has been done under that Act in Scotland?—These children have been sent to existing boarding schools.

23887. What schools?—The Blind Asylum in Edinburgh and also the Deaf and Dumb Institution.

23888. The School Board pays what?—£20 a year for board and education. It used to be £15, but it is now £20.

23889. That system would hardly be applicable to defective children?—The system would be applicable in this way, that a large number of these feeble-minded children would not be sent to a boarding school but would go to a day school. It would be only a proportion that would go to a boarding school which would be created in some way or other, which the School Board would either run themselves or towards which they would make a contribution. I should think that if there were an Act like this, school boards could quite well unite and run a boarding school.

23890. If, as was proposed by the Bill of 1904, it simply made this Blind and Deaf Act applicable to defective children, then the school boards in Scotland would have had to work out their own salvation afterwards, and they would have had to establish some system of management for this new institution?—Yes.

23891. What was the system of management that you contemplated? I see you suggest two institutions?—From the previous evidence I judged that that would be about the thing. I should like to see a combination of school boards running such an institution.

23892. Two groups, do you mean?—A group in the south east of Scotland, might, I think, run a school like that.

23893. Do you agree with what Sir James Russell told us? His idea was to have one committee representing the whole of Scotland?—No, I think that is too big. I would rather go in for districts. Scotland divides itself quite easily into districts.

23894. You would have one rate over the whole district?—I would have it divided up. Are you talking about children?

23895. About the administration of this institution. Suppose we had these boarding schools and establishments for defective adults?—With the children it could be by a combination of school boards, and I think they should be asked to contribute according to their rateable value. You would say to Edinburgh that you wanted so many hundred pounds, and then to a small parish you would say that you wanted £10 or £15, and they would add that to their ordinary charge.

23896. Is it possible to have a committee representing all this large area?—Yes. Just now there are provincial areas for the training of teachers.

23897. You say "provincial." What is the province?—They are in connection with the four universities.

23898. They are not areas?—They are areas working in with the universities. There is nothing to prevent the same geographical area in connection with this and a committee on a similar footing being established. With regard to the adults you have the county councils, which I think Sir James Russell omitted to mention, and which do combine.

23899. But they are hardly large enough. You must have some combination of areas, and I wanted to see what you thought would be the right one in Scotland?—In connection with the children you could have the school boards, and in connection with the adults you could group the county councils. I think Sir James Russell forgot their existence. I think you could quite well group and levy according to the rateable value of each county.

23900. You would have two groups of county councils?—Or three or four groups. You would really need four, south-east, south-west, north-east and the Highlands.

23901. (*The Chairman.*) Is there anything you would like to add?—I do not think so.

## N. Gordon Cluckie, Esq., M.B., C.M., called; and Examined.

*N. Gordon Cluckie, Esq. M.B., C.M.*

11 June 1906.

23902. (*Chairman.*) Do you represent the Scottish County Councils Association?—No, I represent the County Council of Argyll.

23903. You have been so kind as to give us a statement of your evidence; may we put it on our notes?—Yes.

### Statement of the Evidence proposed to be given by N. Gordon Cluckie, Esq., M.B., C.M.

I support generally the expressed opinions of Dr John Macpherson; the opinions of that expert and others thoroughly conversant with this important subject seem to be all that is required to establish a strong claim for special legislation for these unfortunate people.

My experience as town councillor of this town (Greenock) for nine years, as a county councillor of Argyllshire for the past four years, and as an ophthalmic surgeon for the past thirty years, in charge of two eye hospitals, leads me to say, very strongly, that the care and control of the feeble-minded should be continued to the Lunacy Board and not entrusted to what are called popularly elected boards. Town, parish, and county councils have more public work to do than they can overtake; apart from that, the members of these bodies are ignorant of the special and peculiar management of this class of patient and institutions.

There should be one authority only to deal with all classes of mental deficiency, no matter the grade or defect, and that Board should have the entire administration of the Act for the care and control of all imbeciles and weak-minded persons, and that Board should license any House, Home or institution required for their detention or treatment, and all patients should be under the inspection of qualified medical experts. Every *Home, House*, or *institution* containing a feeble-minded person, whether for profit or otherwise, should be licensed and under control. There should be no imbecile or weak-minded person, no matter who or in what station in life, but what should be under the eye of the Lunacy Board, the richer the patient the greater the control and inspection. I would further suggest that the Board should have the power of appointing and dismissing certified male or female nurses to all classes of patients, and that these nurses should send weekly reports to the Board or the medical officer. I also favour separate schools for the education of the feeble-minded; they should not mix with the strong or healthy-minded. The teachers should be men of great tact, kindliness, and forbearance. In the district or glen (Glenfinnart, Ardentinny) where I reside in summer, there were three imbecile cases, one a congenital imbecile, who, after much trouble and many filthy exhibitions, had to be removed to Lochgilphead Asylum. This girl's stepmother was also removed to the same institution, suffering from senile dementia. Another young woman was kept for many years at home who should have been placed under control. I have no doubt there are many such cases.

23904. (*Mr. Dickinson.*) I see you take the view that the authority to manage these institutions should be one authority?—Yes.

23905. That is, one authority for the whole of Scotland?—Yes.

23906. Would that be an elected authority or a Government authority?—A Government authority. I think it should be the Lunacy Board.

23907. Should they actually carry on the administration of those Homes?—I think it lies specially within their department.

23908. It would be a new departure for them to carry out actual administration?—I think it would be a correct thing to have it that way.

23909. How would it be paid for?—Out of the rates and by Government grant as well.

23910. Then you would have to give the Lunacy Board a right to charge the ratepayers ?—Yes, each corporation should levy so much upon the rates and hand that over to the Lunacy Board for administration.

23911. They would hand over as much as the Lunacy Board liked to spend ?—I suppose they would be guided by circumstances, by the number of cases that would require to be treated.

23912. You do not agree with what the last witness suggested that it should be done by groups of county councils ?—No, I think that all these councils and boards have plenty to do as it is. That is my experience of the town council and county council. I think these bodies have quite sufficient to do without doing any work of that kind, besides I do not think they are fitted for a class of cases of that kind. I do not think they have the knowledge to carry out the proper administration.

23913. You are putting under the Lunacy Commissioners a lot of people who would not in the ordinary way be certified as lunatics ?—That is a detail I am not quite familiar with, but I think that it could be overcome in some way.

23914. (*Mr. Byrne.*) Are we to gather from your statement that you consider there is a serious public evil on account of the imperfect way in which these feeble-minded people are dealt with ?—Yes, I think they are neglected.

23915. In what way has it chiefly come before you ? Is it in connection with the criminal law ?—Yes, and also from my experience as surgeon in hospitals of which I have charge.

23916. And from your knowledge of the Poor Law ? —Yes.

23917. What are the most striking cases that you have seen—is it the feeble-minded prisoner, the man constantly committing small offences, or is it the village idiot ?—I have seen both males and females brought before the Court for acts of immorality and drunkenness, and as a member of the Prison Visiting Committee of Greenock I see cases in prison that, I am told by the Governor and others, are there one day and out, and then back a few weeks after.

23918. Do you give it as your strong opinion that the existing methods are quite imperfect ?—Yes.

23919. And they should be supplemented ?—Yes.

23920. Is it the duty of the State now to go out and hunt up those people, or would you wait until they fall into the hands of the State ?—I think they ought to take charge of them as early as possible.

23921. At the school age ?—Yes.

23922. If you found defectives by the process of the Education Acts you would, if necessary, keep them ?—Yes.

23923. And never allow them to go out and commit crimes ?—That is so.

23924. Would you do that also with a prisoner who had been 200 times before the court and would probably be 200 times again ? If he were feeble-minded would you certify him and never let him out again except on license ? —Yes.

23925. Would you do the same with weak-minded paupers ?—Yes.

23926. And with women who were mothers of illegitimate children and who were weak-minded ?—Yes.

23927. In fact all cases we have been talking about to-day—you would as they fell into your hands examine them and certify them ?—Yes.

23928. Do you think that public opinion is fairly ripe for such steps being taken if explained to them ?—I think if it were explained properly the public mind would be quite open to it.

23929. What class of institutions had you in your mind in speaking of the administration of the law, what class of institutions would you like to see introduced ?—I have not any special experience except as a magistrate and a member of the Prison Visiting Committee and also experience gained in the hospitals over which I have charge.

23930. These defectives would be a pretty miscellaneous collection ?—Yes.

23931. Is it likely that one type of institution would suit them all ?—One type of institution would quite well suit them all, provided it were divided into certain sections for the treatment of those who were more outrageous than others or more difficult to deal with.

23932. Would it be a place for detention and work ?—Yes, and discipline.

23933. And for living an economic life ?—Yes.

23934. From what you know of these people, do you think that a certain amount of lucrative employment could be given to them ?—I do not see why not.

23935. At least as much as you would expect to find in any well-managed labour colony ?—Yes.

23936. Would you recommend that they should all be sent there ?—Yes, every human being should be made to work, and I think that in that way you would get a good result.

23937. (*Dr. Needham.*) Do you not think that there would be considerable difficulty in getting the Lunacy Board of Scotland to manage institutions of this character in addition to all their other work ? Would the details of it not make it almost impossible ?—They would have their officials. The point as to the Lunacy Commissioners discharging that duty has not been carefully considered by me, but I think they could adopt a system whereby officials would carry out their instructions and conduct institutions under their directions.

23938. Would it not be objectionable to pick out this particular class of institution and say that it is to be the only exception to local management, that it is to be managed by a central body and not by a local authority ? Would it not prejudice the local authority very much against the movement ?—It might do that, I cannot say; but I regard this as a very special class of disease or defect in humanity and it wants some special Board—not the ordinary public Boards that we have, to deal with it.

23939. Would it not answer every purpose if you let the local authority do the work and let the central authority have the control and inspection as in the case of asylums ? Would that not be better ?—Possibly it would.

23940. As regards the second and third paragraphs in your statement, would you like to make any modification in this statement, "There should be no imbecile or weak-minded person, no matter who or in what station of life, but what should beunder the eye of the Lunacy Board; the richer the patient, the greater the control and inspection." Is it desirable to drag the children of people who can look after them from their homes ?—I am strongly of the opinion expressed there that all imbeciles and all weak-minded people should be under observation by some Board, whether it be the Lunacy Board or some other Board.

23941. You agree with a witness who is going to give evidence and who says in his statement that there should be notification of these cases ?—I think so.

23942. The same as with infectious diseases ?—Yes, just the same.

23943. As regards people in the higher ranks of life who are well able to look after their children, should they be interfered with as long as they are doing their duty ?—Yes, I think they ought to be notified.

23944. But there should be no interference ?—I think there should be some inspection.

23945. But no interference ?—They should not be removed. But if you take the working classes in houses of a room and kitchen you will find a mother with three or four or five children, and she has not time to look after a weak-minded child, and that child is put into a corner and allowed to remain there.

23946. You would have notification and treat each case on its merits ?—Yes.

23947. (*Dr. Dunlop.*) Did you hear Sir James Russell this morning ?—I only heard part of his evidence.

23948. He gave us his magisterial experience. You have had a similar experience in Greenock ?—Yes.

23949. You have some very well known weak-minded delinquents in Greenock ?—Yes. We have a woman who has been 200 times before the Court and has been in this Girgenti institution for a length of time. She has been liberated and the result has been found to be a failure.

**Questions 23950 to 23989.**



*N. Gordon Cluckie, Esq., M.B., C.M.*

11 June 1906.

23950. There are three women in that family with a total of 600 convictions against them ?—Yes.

23951. Were they children of weak-minded people ?—I could not say.

23952. Their parents were paupers ?—Yes.

23953. They have been more or less imbecile all their lives ?—Yse.

23954. They have spent their existence almost entirely in prison ?—Yes.

23955. They are three utterly irresponsible creatures ?—Yes.

23956. There are several other cases of that kind in Greenock ?—Yes, quite a number.

23957. Are you aware of the fact that a certain number of that class in Greenock have been in the parochial asylum and been discharged from it ?—Yes.

23958. Can you quote some cases ?—Not exactly.

23959. But you know of the existence of cases that have been in and out of the asylum several times and are still in Greenock going in and out of prison ?—Yes.

23960. It is a crying scandal ?—Yes, it is painful to the public of Greenock that these poor women should be left to their own resources and put on the street to go back to their old ways without anyone to take care of them.

23961. There ought to be some way of putting a check to that ?—Yes.

23962. The central authority should have power to interfere with them ?—Yes, I should think so.

23963. Greenock has had a fairly wide experience of the effects of the Inebriates Act ?—Yes.

23964. Can you tell us anything about the success of that Act in Greenock ?—Only that I understand it to be a failure.

23965. Although the female apprehensions have gone down one-third in number ?—Yes. I am talking of the class of people put into that institution.

23966. But has not the effect in the town been very beneficial indeed ?—I am not aware of it.

23967. The female apprehensions for drunkenness have fallen from about 1,200 to 800 since that place was opened. Is that not a very great score ?—Yes.

23968. You cannot call it a failure when that happens ?—I was referring more to the women put into the institution.

23969. But if you look at it from the community point of view, has it not been a thorough success ?—Yes, from that point of view.

23970. There are hardly any female habitual inebriates going about Greenock at the present moment ?—I am not aware of it, but it is quite likely to be so. I have left the town council and I am not conversant, therefore, with all these details of the police court.

23971. Are you aware of the fact that none of the Gallachers have been back in prison since the inebriates' reformatory was opened ?—No.

23972. (*Chairman.*) As representing a country district, I would ask you whether you agree with the desirability of making it compulsory upon the local education authorities to set up special classes or special schools ?—I think that is a most desirable thing to do.

23973. It would come rather hard upon small rural areas ?—Yes, and therefore they would require to have some grant.

23974. You think it could be put all right by having a grant from the central authority ?—Yes.

23975. Of course it would be very much more expensive for country areas to find accommodation than it would be for town areas ?—Yes.

23976. Would you vary the grant accordingly ?—Yes.

23977. You think there would be no difficulty in doing so ?—I do not think so, and it is a proper thing to do.

23978. (*Mrs. Pinsent.*) In speaking of notification, have you ever considered whether it would be done more easily through the educational authorities, given the fact that this Act is put into force ?—I am thinking of children who have not gone to school and who are weak-minded, and who might be seen by the medical man at home. In that case there might be notification, but there is no doubt that school boards have a very great opportunity in that respect.

23979. Do you not think they have a great opportunity of finding out the defective cases ?—Yes.

23980. And when the Act is put into operation all the children would pass under the medical officer ?—He would require to be an expert in lunacy, otherwise he might do no good.

23981. He would require some experience ?—Yes.

23982. In regard to those you were speaking of in their homes, would they not come under the cognisance of the visiting officers ?—Yes, sooner or later.

23983. They must report the reasons for non-attendance ?—Yes.

23984. And it would be easy to ask them to report on these cases and bring them before the school board's medical adviser ?—Yes.

23985. Does it not strike you that there is a machinery there for notification already in existence ?—Yes, but the school board officer does not see the child till it is five years of age.

23986. Do you think it is necessary before that ?—Yes, I think so. I think you cannot get them too early. They have no discipline at home and no decent care is taken of them.

23987. After five years of age it would come naturally if the Act were in operation ?—Yes.

23988. And there is ready-made machinery then ?—Yes.

23989. (*Chairman.*) Is there anything that you wish to add ?—No, nothing occurs to me at the moment.

# FIFTIETH DAY.

*Tuesday, 12th June,* 1906.

AT THE CALEDONIAN STATION HOTEL, EDINBURGH.

PRESENT

The Right Hon. The EARL OF RADNOR (*in the Chair*).

W. P. BYRNE, Esq., C.B.
C. E. HOBHOUSE, Esq., M.P.
F. NEEDHAM, Esq., M.D.
The Rev. H. N. BURDEN.
W. H. DICKINSON, Esq., M.P.
Mrs. PINSENT.
J. C. DUNLOP, Esq., M.D.

HARTLEY B. N. MOTHERSOLE, Esq., M.A., LL.M. (*Secretary*).

WILLIAM W. IRELAND, Esq, M.D., called; and Examined.

*William W. Ireland, Esq., M.D.*

12 June 1906.

23990. (*Chairman.*) You were some years ago the medical superintendent of the Larbert Institution ?—Yes, and after that I had for about eighteen years a private place of my own for the care of imbeciles of the wealthier class.

23991. I think you wrote a text book on Imbecile Children ?—Yes.

23992. You have been so kind as to give us a statement of your evidence ; may we put it on our notes ?—Certainly. I would like to add to my statement some information that I got from my friend Jacob Saethre as to what is going on in Norway in regard to the matter.

STATEMENT OF THE EVIDENCE TO BE GIVEN BY WILLIAM W. IRELAND, ESQ., M.D., EDINBURGH.

PROVISIONS FOR THE CARE OF IDIOTS.

The number of idiots and imbeciles in Scotland is much greater than appears from the census, from the dislike of people to admit anything discreditable in their families. A large proportion of those are so far educable that their habits can be improved and their intellectual faculties quickened by assiduous teaching ; but for such defective children a special training is required. Moreover, they are often weakly in health, subject to various nervous diseases, and derive benefit from a careful regimen and hygiene. Such children, arrived at an educable age, are best treated in residential institutions under medical supervision. There is in general a reluctance on the part of the parents of these children to make so open an admission as sending to such establishments would imply, and a great dislike to any legal forms and certificates. There is also a fear on the part of the parents in the middle classes that their children would contract bad habits from intercourse with inmates of a low grade. These scruples being overcome, it is difficult for the parents of idiots and imbeciles who are poor to get them admitted into the residential establishments which exist, from the reluctance of the parochial boards to pay the considerable charges asked, and from the election machinery by which admission is to be gained to obtain the benefit of the charitable funds of the Larbert Institution.

Half a century ago schools for the education of idiots were begun under the impulse of Dr. Seguin, a most skilful instructor, who was slow to admit that any idiots were uneducable. Yet in many cases the improvement was so little apparent that people were inclined to think that the result was not worth the trouble. Hence in the training schools established in Britain and America there is a tendency to exclude the least educable pupils. This, though it gave ease to the teacher, did not lighten the load of the parents who were more anxious to get relief of the worst cases. Thus the charitable objects with which these institutions were founded has been, to a certain extent, lost sight of owing to the desire to show good results appreciable to the public.

PROVISIONS IN SCOTLAND.

The only provision for the care and training of idiots and imbeciles in Scotland are two institutions, one at Baldovan, begun in 1853, and the other at Larbert in 1862. These institutions were empowered under a special Act to have a licence for the care and training of imbecile children.

I was Medical Superintendent of the Larbert Institution for about ten years (1871–1881). In the course of the fourteen years in which the establishment had been carried on, some of the pupils had grown up. Some of these were paying boarders ; others, who had no relatives willing to take them away, were kept on as useful. In 1876 the General Board of Lunacy challenged the continuance of pupils in Baldovan and Larbert after they had reached the age of eighteen, on the plea that the superintendents of these institutions had no right to detain them. About a score of them were sent or forced away out of Larbert, some to go to poorhouses, others to asylums, or to tramp about the country or get into gaol. Five of the most intelligent were engaged as servants, their treatment remaining the same as before, save that they were paid a small wage. If they remained five years they would acquire a settlement in the Parish of Larbert.

DEFICIENT CHILDREN.

There are in the Board Schools a proportion of children, perhaps 1 per cent., who derive no benefit from the lessons and cannot get through the standards. For such children the schools like those in Manchester, or the separate classes as in Glasgow, are a great help to their parents in inculcating better habits and training them to simple employments. There seems to me a danger that these schools should be shunned for the class most likely to derive benefit, and sought by the parents of children of a very low type, becoming a species of crèche for idiots. I visited a school at Bremen, ostensibly for Schwachbegabte Kinder, conducted by a most painstaking schoolmaster who had some most unpromising pupils.

A CUSTODIAL ASYLUM NEEDED.

The great need in Scotland is a custodial asylum for grown-up idiots and imbeciles, such as I have seen at Newark in the State of New York, at Ebbordgaard in Denmark, and the one begun at Sandlebridge in Cheshire. I have conversed with many medical superintendents of training schools, and they all agree that imbeciles require to be cared for during their whole lives. Accustomed from childhood to guidance and control, they are quite contented in such places, and have not the desire for liberty and dislike of rules which makes some lunatics prefer cottage to asylum life. They would be able by their work to contribute towards their livelihood, although unable, when left to themselves, to encounter the competition of normal workmen. Tardy in the growth of their intelligence imbeciles continue to learn to a late time of life, and attempts to improve their habits and cultivate their faculties should be continued in these asylums, while they should not be allowed to remain in idleness. With most men love of work is an acquired habit ; and this holds good with imbeciles, although they are naturally lazy. A custodial institution with no teaching, no effort to make the inmates work or to instruct and amuse them, and to treat their special nervous disorders, would be like

*William W. Ireland, Esq., M.D.*

12 June 1906.

a marsh with no outflow becoming more noisome the larger it got.

THE IDIOTS ACT.

Parents of the wealthier classes, whose children are carefully secluded from all coarseness and indelicacy, if they have children needing special instruction, much dislike to send them to an open institution where they come in contact with the refuse of the lowest stratum of our large towns. They have also a pronounced dislike to any formal certificates, or publicity, which might attach a stigma on themselves or to their other children. Hence the desirability of private institutions for the better classes. In England, before 1886, a child could not obtain entrance to a training school for idiots or imbeciles without going through the same certificates used to imprison a lunatic in an asylum, with all the cumbrous returns and intimations following thereupon. The English institutions, public as well as private, were freed from this burden by the Idiots Act. In Scotland a private certificate that the child was an imbecile was sufficient. This gave the Scottish institutions a considerable advantage which ceased after the passing of the said Act. New homes were set up in England; cases no longer came from the south, and pupils left Scotland.

The legal status of a private training school or house for the care of such children in Scotland is doubtful, hanging much upon the opinions and goodwill of the Lunacy Board, which might shift. Nevertheless, a man who puts acquired skill at the service of the public is doing a useful work, and his occupation should not be made so unsafe that a sensible person would not venture to put capital into it. There is no reason why a monopoly should be held of the business, and why competition should not be free in Scotland as well as in England. For these reasons it seems to me that a law similar to the Idiots Act should be accorded to Scotland.

EPILEPTICS.

No unfortunates in Scotland need help more sorely than epileptics. Those who are insane are provided for in asylums; but there is a strong desire to exclude imbeciles subject to frequent convulsive attacks from training institutions; and, indeed, it may be said that epileptics are excluded by special regulations from every charitable institution in the country. From 40 to 50 per cent. of epileptics cannot be regarded as insane, yet their condition is most unhappy. A victim to this malady, unconscious during the attack, has no idea of its nature save by the description of others. When it first strikes him he is not easily discouraged. If he loses one employment he seeks another; but the strange character of the disease, the abrupt onset of the fits, and the fear and distrust amongst those who witness them, generally throw him out of regular employment. Thus poverty and enforced idleness embitter a malady otherwise most distressing. In 1899 I called attention to the unfortunate condition of this class by letters in the newspapers and an article in a medical journal, mentioning what had been done for epileptics in Germany, England, and the United States, but there was no echo in Scotland to my appeal. Several years afterwards the late Mr. Quarrier succeeded in raising some money for a house for epileptics connected with his Homes at the Bridge of Weir. This building, which is now finished though not yet occupied, will afford accommodation for twenty-five sane epileptics. Attached to it are one hundred acres of ground. They have already had above a hundred applications for admission. So far as I can calculate, there must be about 4,500 epileptics in Scotland, of whom nearly the half are sane. In the lunatic asylums many of the epileptics are good workmen, and if the sane epileptics were received into a special establishment, many of them could do work equal to the cost of their maintenance.

HABITUAL DRUNKARDS.

How to deal with the habitual drunkard is one of the most difficult of social problems. It has long appeared to me that, if the State has to interfere, the best way is to make habitual and wasteful indulgence in alcohol and other intoxicants a criminal offence punishable with confinement in special asylums until there be a good prospect of complete reformation.

WILLIAM W IRELAND.

Victoria Terrace,
Musselburgh,
*23rd May*, 1906.

I have received the following information about the training schools for imbeciles in Norway from my friend Jacob Saethre, superintendent of the institution for imbecile children at Ekelund near Bergen.

"Ekelund has 156 inmates.

"Thorshaug, near Kristiania, 180 inmates.

"Röstod, near Trondhjem, 150 inmates.

"Röstod is the former school at Lindern, near Kristiania, now removed to northern Norway. These are now State schools for imbecile and weak-minded children."

"We are longing for custodial asylums, but we cannot afford to get aid yet. We have as yet only one, Trusliorth Pleiehjem in Barum, near Kristiania, a small place partly kept up by charity. Admission to the training schools is given by the Education Department of Government, which requires every year reports from the local school boards concerning all children of a specified age who are unable to go to the public schools on account of mental and physical deficiencies (imbecility, deafness or blindness). Out of the reports given on formal schedules the cases deemed teachable are selected and sent to the schools adapted to their special disability. These children may be kept in school for eight years, but not as a rule above the age of twenty-one. The general ages are from eight to sixteen years."

"The cost of tuition is free, paid for by the State; but the board is paid for by the parish and county when the parents themselves are not able to do so."

I visited Mr. Saethre's institution in August, 1887. It was then his own undertaking. Since then it has been taken over by the State, he remaining superintendent. I saw a special class for deficient children in the public school at Bergen which he conducted. In the *Journal of Mental Science*, Vol. XXXIV., there are "Notes from Saethre's institution for imbecile children near Bergen."

23993. (*Mr. Byrne.*) With reference to the first paragraph of your statement, in which you have described the difficulties of procuring proper treatment for defective-minded children, can you give us any idea of the number of children who in your opinion should have institution treatment and who are at present without it?—I could not give any exact statement, but I think the number is very great. The first difficulty is to know what proportion of imbeciles should require it. Some of them are beyond teaching. Some of them are too young and so on. I should say that about one-fourth of the imbecile population in Denmark are cared for in special establishments.

23994. Of a boarding character, not mere day schools?—They are not day schools; it is all of a boarding character. I expect Denmark is probably better provided in that respect than any other country in Europe. There were nearly 4,000 weak-minded and imbecile persons ascertained by a very exact census in Denmark, and there are about 1,100 of these in institutions of different kinds. You may say that one-fourth of these are actually taken care of in residential asylums.

23995. Can you relate to us any of the evils which show themselves in Scotland on account of this absence of sufficient accommodation at present?—The evils are that the children are neglected in the first place, they are taught nothing if their parents do not take the trouble to do so; in the second place they are the sport of mischievous boys, and then a number of them suffer from different physical defects and diseases which might be treated, but which are not treated. They are worse off in a great city like Glasgow.

23996. Are there any more serious evils than these? Do they lead to crime or gross immorality or an expense to the police?—It is when they become old that that takes place. No doubt imbecile girls, for example, are very much exposed, especially if they are in crowded quarters. The boys, perhaps, become tramps or go about, but I do not think they fall into the thieving class, as they are not handy enough, and they have not sufficient intelligence to be used as tools. I think these are the principal evils connected with it.

23997. You do not lay much stress on the fact, which some people allege, that they propagate a defective race if they are left alone?—I do not think there is any great danger of that.

23998. Would you say the same about epileptics? Referring to your statement you calculate that there are about 4,500 epileptics in Scotland, of whom

only about one half are sane. How many of these require institutional treatment ?—I think they require to be in a place of their own where certain arrangements are made for their employment and where they can assist one another. I think the most unfortunate class I have ever met with are the epileptics. I have already pointed out in my statement about the matter of employment. As for the number of epileptics, I was very much at a loss to get a census. There have been two or three made in Germany, and I have taken these as *data*; I have taken ten epileptics to 10,000, but I see James Stewart, of Glasgow, who takes an interest in epileptics, calculates them at twenty in the 10,000. That of course would double my number. He affirms that there are seventy-five under the care of the parochial authority in Glasgow. I visited the proposed Home for epileptics, and I was told by Miss Quarrier that she had already had 100 applications, but they have only built a house for twenty-five.

23999. How many epileptics may require institutional treatment, having regard to the degeneration that happens to themselves and the misery caused to private families ? —I have not got the materials for a calculation. Those in wealthy circumstances do not require assistance. I could not specify the number, because I do not have sufficient *data*. I have observed individuals here and there in the course of my experience, but I do not think there are any statistics by which one can calculate the number in Scotland—at least I have not got them.

24000. (*Mr. Dickinson.*) I notice in the first column of your statement you say that you were superintendent of the Larbert Institution between 1871 and 1881, and you deal with the question of the pupils who were at that establishment and who outgrew the proper age, and you say, "In 1876 the General Board of Lunacy challenged the continuance of pupils in Baldovan and Larbert after they had reached the age of eighteen, on the plea that the superintendents of these institutions had no right to detain them. About a score of them were sent or forced away out of Larbert, some to go to poorhouses, others to asylums, or to tramp about the country or get into gaol." Now, why did the Board of Lunacy interfere there ? I understand the position of affairs was this, that many of these idiots were staying on there at their own will ?—They were all staying at their own will. The doors were open almost night and day. None of them ever tried to escape. The whole plea that was put forward by Sir James Cox was that we had no legal right to detain them. It was a point of law. I simply said I did not detain them. The idea was picked up from the lunatic asylums, where there are a number who try to escape. It was a question of law, and it did not seem to me that there was any law on the side of the Board, but the directors determined to test the matter, and we had to get these pupils away. One had actually to be hauled out, because she wished to stay in the institution.

24001. What, in your opinion, was the object of the Board of Lunacy in taking that action ? Did they want to clear out the place and have other ones there ? —No, I do not think so. I think it was a kind of desire for uniformity. They thought they should be treated equally with the lunatics. As long as they were children we had that right to control them as the master of a boarding school has a right to lay his hand on a truant boy, but I never knew why they took the age of eighteen, because there is no such age in Scottish law. A boy enters the age of pupillarity at fourteen and a girl at twelve, and they remain in that state till twenty-one. I suppose eighteen was fixed because that was thought to be the period of puberty.

24002. Were any of these patients suitable for asylum treatment ?—No.

24003. Why not ?—Because they were not lunatics, they were not dangerous to themselves or to others. They were more like children than lunatics. Most of them were retained because they were useful at work. They were girls that worked about the kitchen and young men that worked in the garden.

24004. Since that time do I understand that in these institutions all children when they attain the age of eighteen are sent out ?—I do not think so.

24005. What happens ?—They consider each case, as it were. Some of the better paying boarders were allowed to remain in. I daresay that this regulation became loose in a few years, but my evidence is mostly historical; since I left Larbert in 1881 I know nothing of what has taken place.

24006. But still, when you were there they were turned out when they were eighteen years of age ?—Yes, I think most of them were turned out.

24007. I suppose you say that all those cases were cases that ought to have been placed in some institution ?—Yes, but unfortunately there was no institution in Scotland at that time into which they could be put.

24008. Where you speak of the Idiots Act (*page* 194) you tell us that in Scotland a private certificate that the child was an imbecile was sufficient. What kind of private certificate was that ?—Just a certificate by a medical man saying that A. B. was weak-minded. That seems to be sufficient. When I left Larbert I wanted to set up an institution for the children of the wealthier classes, and I went to Sir Arthur Mitchell and asked about the law of the matter. He gave me a license to receive four lunatics, and if there were any of these certifiable I might get them certified in that way and keep more of them; but as for the rest, if they were simply weak-minded or could not be classed as lunatics, I might simply return their names. I said to Sir Arthur Mitchell, "You know that I only intend to take imbeciles for training; I do not want lunatics at all; I will not take lunatics whether melancholics or inebriates," and I have always kept to that. I think the Board of Lunacy kept faith with me in the matter. They did not disturb me, but I think they might have challenged what I did, if they had been so disposed—at least they might have put me to a good deal of expense and trouble. I was not secure; I always kept my hand so that I could draw it back.

24009. Here you are speaking of a private Home ?—Yes.

24010. Receiving private patients for payment ?—Yes.

24011. And they are received under a private certificate ?—Yes.

24012. That is, a certificate given by a medical man ? —Yes.

24013. And under that certificate, I suppose, with the consent of the parents or guardians you keep the child ?— Yes. There are imbecile children boarded here and there with that certificate. There are no private training schools in Scotland.

24014. (*Dr. Dunlop.*) With regard to that matter that Mr. Dickinson was referring to, the certification of these cases, is it not the fact that no certificate is necessary for Larbert ?—You had simply to certify that they were imbecile, but when the 4s. grant came for paupers from the Exchequer they had to be certified as of unsound mind. They preferred that expression. So all these pauper children to whom the 4s. grant is given are certified as of unsound mind, which is the equivalent to a certificate of insanity.

24015. It was put to us by a witness that for admission and detention there was no certificate at all ?—There is no certificate for admission or detention except what I have mentioned.

24016. But for the purpose of earning the 4s. grant the Lunacy Commissioners insist on a special certificate, which is a private certificate to meet that purpose ?—Yes, it was simply to enable them to get the 4s. grant.

24017. You mention in your statement something about a special Act for these institutions in Scotland. What is the Act ?—I have not a copy, but it amounted to this.

24018. The English Idiots Act does not apply to Scotland ?—No.

24019. Is there any other Act in Scotland to which you refer ?—No, the only Act I know of is the Act giving a license to a training school for imbeciles supported by charitable institutions. That would exclude a training school not supported by charitable institutions. When the Idiots Bill was being passed the directors of Earlswood got it so worded that Dr. Down's establishment and other similar institutions would have been excluded. When he found this out he, through the assistance of a friend in the House of Lords, got the Bill so modified that his private asylum was also legalised.

24020. I see you are in thorough sympathy with the terms of the Idiots Act. Would you like to see it applied

*William W. Ireland, Esq., M.D.*

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to Scotland?—Yes, or a similar Act. I am not exactly sure of the drafting, but I think a similar Act would enable anyone who wished to set up a training school for imbeciles to do so without such interference as might endanger his capital.

24021. At the present moment that exists in Scotland, does it not? There is no reason why a man should not set up a training school in Scotland for imbeciles?—No, and I think there might be a great many of them. Competition is always a good thing, I think.

24022. You would not advise the extension of the English Idiots Act to Scotland?—I would have a similar Act. I do not know whether I would suggest that this Act should extend to Scotland, perhaps some little modifications might be made.

24023. Are you aware of the fact that there are no safeguarding clauses in the English Idiots Act? It is a criminal offence to abuse an idiot in England?—I think it is a criminal act to abuse a lunatic.

24024. But not an imbecile under that Act?—No, but it would come under common law, which I think would be sufficient.

24025. Is that quite sufficient?—I think so.

24026. For instance, they are allowed to use restraints freely in imbecile asylums without reporting them, but they are not allowed to restrain lunatics without reporting them?—I would like to know the age of the child.

24027. These Acts in England apply to imbeciles up to sixty and seventy years of age, they apply to all ages?—They are extremely manageable as a general rule. Nothing is more manageable than these creatures if they are kindly treated. There may be difficulties as there are in all conditions of life, but it would have been no advantage to me to have been allowed to use restraints, nor did I ever use them.

24028. You were talking about the undesirability of imbeciles being sent to lunatic asylums. Did your remark apply to the milder grades only, or to the lower grades too?—Any grade. The more intelligent learn all sorts of tricks; as for the helpless ones, they are apt to be cuffed and beaten and pushed about. I have seen very peaceable imbeciles who have been trained in establishments, and when they were in lunatic asylums they became like wild beasts in a year or two.

24029. That might be the fault of the asylum management?—I do not see how the superintendent could help it. You cannot isolate an imbecile. They are turned into the common room and they hear all kinds of oaths and blasphemies and all kind of talk, and they are terrified.

24030. Is that classification not possible with the modern villa asylums?—I do not know what is going on at present, but I am told that the Board of Lunacy have set themselves against imbeciles being admitted into lunatic asylums except in cases of inter-current insanity, which sometimes takes place with imbeciles.

24031. That is more hearsay than personal knowledge?—Yes; I believe it is quite correct, however.

24032. Your opinions are in favour of there being two classes of adult institutions, leaving the children aside just now?—Yes. For example, there is one in Denmark with 452 inmates. This is a custodial asylum for adults. The training asylum for the young at Bakkehus has 204 inmates. Besides that, there are several of the Keller institutions in Denmark, which provide for the training of imbeciles.

24033. In your opinion is a poorhouse a proper place in which to receive an imbecile?—The matron would require to be a very benevolent person, and the poorhouse a very small house. I have seen imbeciles in poorhouses; they were clothed and fed and perhaps kept clean enough, but they were neglected and nothing was done to amuse or employ them.

24034. So the ordinary treatment of imbeciles in poorhouses is unsatisfactory?—It is not treatment at all.

24035. They are neglected?—Yes, there is no special treatment.

24036. Do you not think it is a very inhuman thing to shut up sane inmates of the poorhouse along with persons of unsound mind?—I think the sane would have a right to complain.

24037. Is it not very unkind to the sane?—I think they would have a right to complain about being associated with imbeciles.

24038. It is bad for both?—Yes,

24039. In regard to the children, you are strongly in sympathy with the proper training of them?—Yes.

24040. What is the outcome from the training and teaching of imbeciles?—It depends on their grade. They are educable at almost all ages except the very lowest class. There is the teaching of cleanly habits for which the parents are often very grateful, and then you can teach them to put on their clothes. It sometimes takes weeks to teach them to put in a button. They are laboriously taught to put on their clothes. When you come to a higher grade you can teach them more; you can teach them to know the value of money and to be able to buy a thing in a shop, but you can never turn an imbecile into a normal child.

24041. That is the point I wanted to get at. That was what Dr. Seguin used to preach?—He would get hold of the dullest idiots in the world and teach them the sense of touch and so on to an extraordinary extent, but you would require a race of Seguins to carry that out.

24042. You cannot cure imbecility by training?—No.

24043. The corollary to that is that special classes in schools will not take the place of institutions?—I do not think they can, but they might be very useful. I saw some in Bremen and in Manchester and other places, and also in Glasgow. I daresay they are of great advantage to their parents. They are taught a number of things and they are kept away from the streets; they are taught a number of little exercises, and they are brighter and happier.

24044. It is more a matter of custody for so many hours a day, and nursing?—Yes, and to learn to know colours and that sort of thing.

24045. Special schools will never bring up these children to be useful citizens afterwards?—No.

24046. You were talking about insane epileptics and the number of sane ones, and you were saying that some of them were taken care of by the parish councils just now. Have you ever seen those unfortunates?—No.

24047. Would you be surprised to hear that practically all of them are insane or demented?—I know that there are a good many sane epileptics going about.

24048. They are so afflicted with epilepsy that they require care?—They are mostly droll and queer and they are regarded with suspicion, but I think that fully half of the epileptics are sane and remain sane.

24049. Have you ever been in any of these epileptic colonies?—Yes, I have seen the one that David Lewis has founded in Cheshire, and I have also seen a small one in Copenhagen.

24050. The cases for the David Lewis Institution are very carefully selected, and even there a number of them are demented?—I would not like to abuse the place after having visited it.

24051. There is another point, and that is the fact that children in an imbecile asylum acquire a domicile in the parish in which that asylum is situated in Scotland at present?—That is with regard to the children engaged as servants. We wanted to get some of these, because they were very useful in the establishment, and I engaged five as servants and gave them wages. If these people had remained for five years they would have acquired a settlement simply because they got a wage.

24052. They must earn a wage to acquire a settlement?—One of them was turned away just on the day before the end of the five years so as to prevent him getting a settlement, but I think they argued that he should have got a month's notice

24053. At all events that is a point that should be considered in making regulations for future institutions?—Yes. There are great hardships about acquiring a parochial settlement in institutions planted here and there. I could mention cases, but it would take rather too long.

24054. (*Dr. Needham.*) As to the two classes of institutions about which you were talking to Dr. Dunlop, you have no doubt that there ought to be two classes of

institutions for lunatics and for imbeciles and idiots ?—Yes.

24055. You have not the least doubt that to put idiots into the wards of ordinary lunatic asylums has the effect of damaging them extremely ?—I think it is a most unhappy thing to do.

24056. They become corrupt and acquire all the bad habits of their seniors ?—Yes, and they learn all kinds of foul words and practices.

24057. And they may be kindly treated or unkindly treated, according to their environment ?—Yes, and they are terrified too.

24058. You have no doubt of that ?—No.

24059. As regards the granting of leave to remain after they are eighteen or whatever age may be fixed, is there no permissive power statutorily inherent in the Commissioners to allow people after they attain the full age to remain in idiot institutions ? Does the law not allow the Lunacy Commissioners for Scotland to permit the retention of persons attaining full age in idiot institutions ? —It would come to this—do they fall under the Lunacy Acts ?

24060. The English law makes it imperative that, when it is desired to retain idiots in idiot institutions after they have attained the age of twenty-one, application shall be made to the Commissioners and the Commissioners shall, if they think proper, give sanction for their being retained. Is that so in Scotland ?—I do not know of any law on the point, that is assuming that imbeciles are not lunatics.

24061. But have the Commissioners no controlling power ? You say that in 1876 the General Board of Lunacy insisted upon all the people being turned out after they had attained the age of eighteen. Now in England they would have been allowed to remain there on application to the Board of Lunacy ?—So far as I know Scotch law, and I was assured by Sheriff Barclay, they could have instituted no proceedings against me for keeping those children.

24062. But is there any special permissive power inherent in the Commissioners or in any other public body to allow them to remain, or if you had kept them would you have been doing so at your own peril ?—I assume there is no statutory law on the subject at all, but I am not a lawyer and I cannot give an answer on that point.

24063. As regards the certificate which secures the 4s. grant, what power have the Commissioners to order the special certificate which is to ensure a 4s. grant if that grant is not already ensured automatically by the law ?—I suppose they said that pauper lunatics were entitled to the 4s. grant and they were required to be constructed into lunatics to obtain it—they were certified of unsound mind. They are not required to be certified as idiots so far as I know, but as of unsound mind, which, I suppose, includes idiocy and imbecility as well as insanity.

24064. You talk about the desirability of providing institutions for idiots of the better classes ?—Yes

24065. Are there none in Scotland ?—So far as I know there are none. I have heard of a lady near Linlithgow setting one up, but I know nothing about it. Dr. Brodie had one and I had one for seventeen years. The parents were very much put about when I gave my institution up.

24066. What prevents the establishment of them ?—I should have some dread about the Board of Lunacy making restrictions and alterations which would entail great expense, and perhaps they might quash the whole thing on some legal plea. It would be very difficult for a man setting up a thing of that kind to go to law with the Board of Lunacy. I would not advise anyone to do it.

24067. There is apparently a power for the establishment of institutions such as Earlswood in Scotland ?—Yes, institutions for imbecile children supported by charitable contributions.

24068. But there is no provision for the establishment of places for people who are willing to pay ?—No. The Board never interfered with my place or Dr. Brodie's place.

24069. And these were both paying places ?—Yes, the Board never interfered unduly. If they did interfere, they did not press any difficult point upon me or Dr. Brodie. They seemed to be friendly as far as their powers went.

24070. As regards what Dr. Dunlop was asking you with reference to the Idiots Act which you think ought to be applied to Scotland, you are aware that the Idiots Act makes no provision for the limitation of mechanical restraint ? In England people in charge of idiots can restrain them as much as they like and as many of them as they like and by what means they like—there is nothing to prevent them as there is in the Lunacy Act ?—I cannot see what advantage it would be to any one.

24071. Would it be an advantage to limit it, because you might get a person who was fond of restraint and he might apply it to everyone in the place ?—I do not see that a man has a right to set up an establishment and keep his patients in cells. There would be a great temptation to treat melancholic patients in that way.

24072. If they did adopt the Idiots Act in Scotland, then the clauses with reference to restraint, with reference to carnal knowledge, with reference to employing males in dealing with females, and things of that kind for the protection of the idiots, should be engrafted upon the Act as they are in the Lunacy Act ?—I think certain precautions should be taken against abuse, but in an establishment for the better classes it is almost an imaginary danger. The parents come often and they pay high boards, and they would take their children out if they were ill-used.

24073. Is it an imaginary thing that idiots of the better class are sometimes mechanically restrained ?—I never knew an instance.

24074. I have seen many of them ?—I never knew of an instance in Scotland. In Denmark I saw two cases in cages. One of them was a general paralytic.

24075. I think you said there were no institutions for the better class of idiots in Scotland ?—So far as I know there are none.

24076. So you could not see them if they did not exist ? —I said in Denmark.

24077. But I am talking about Scotland ?—So far as I know there are none unless the little place at Linlithgow that I heard of.

24078. (*Mrs. Pinsent.*) I see you say that there are about 1 per cent. of the children in board schools who do not derive any benefit from education in those schools because of their mental deficiency ?—I was a member of the Prestonpans School Board, and I got permission to examine the children, and of these out of five hundred pupils there were five who could not get on at school. I do not say that they were imbeciles, but they were practically learning nothing.

24079. Your percentage tallies with pretty nearly all the evidence we have had, that there are about one per cent. who do not benefit in ordinary schools. Can you certify that 1 per cent. as idiots and imbeciles ?—No; they were rather incorrigible dunces. Some of them had traces of constitutional disease. There were no idiots in the school.

24080. Does that not constitute in your mind an argument for the establishment of day schools for those slightly mentally deficient cases who cannot benefit by ordinary instruction ?—That can be done in large cities but not in the country parishes.

24081. You approve of it as it has been done ?—Yes.

24082. You could not certify those children as idiots or imbeciles and send them to residental establishments ? —Not those five that I mentioned. They were incorrigibly stupid.

24083. You have seen the children in the Manchester classes and in the Glasgow classes. Would you be able to certify those ?—I would be able to certify some of them.

24084. Others you would not be able to certify ?—No, I dare say a considerable number were too intelligent for that.

24085. And yet they cannot be educated in ordinary schools ?—No.

24086. Some provision therefore is necessary ?—Yes. There is too much reading and writing taught in the schools.

24087. The whole of education does not consist of the three R's ?—In most of those schools in Scotland it does.

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If the children of the fisher classes learn to read and write, they drop it in a very few years.

24088. That was the reason why special classes were established in order that more manual work could be given to those slightly mentally deficient children. I am not quite clear as to whether you think that all children who cannot be educated in the ordinary schools should be sent to residential establishments. That would mean the certification of between 300 and 400 children in Edinburgh, and it would be a very great expense to the country?—I would not advocate that.

24089. (*Chairman.*) Is there anything you would like to add?—No, I do not think there is anything that I can add.

W. BRUCE, Esq., M.D., Ll.D., called; and Examined.

*W. Bruce, Esq., M.D., Ll.D.*

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24090. (*Chairman.*) You are the member of the General Medical Council for Scotland?—Yes.

24091. Is your practice a large general practice?—It was for some years. I have not been in general practice for the last fourteen or fifteen years.

24092. You have been kind enough to send us a statement of your evidence; may we put it on our notes?—Yes.

STATEMENT OF THE EVIDENCE PROPOSED TO BE GIVEN BY W. BRUCE, ESQ., M.D., LL.D.

1. The first thing to be done is to find the numbers, and as far as possible the nature, circumstances, etc., of *all* the persons coming under the categories named in the reference.

In Scotland, at least, there is no such complete record.

2. This record would be valuable—

(*a*) For children.

(*b*) For adults.

3. As to class (*a*), a properly managed institution or institutions open to all would be of undoubted benefit, and should, in my opinion, be mainly maintained by the State for reasons I shall explain.

In the second category (*b*) there are many undoubted cases unreported for various reasons, which should be reported to the Board of Lunacy and put under surveillance.

4. I strongly approve of boarding out. With twenty years' experience as a parochial medical officer visiting such cases, I have not seen more than two or three of neglect or bad usage, and these only slight.

I believe that these cases are better boarded out with strangers, and not with their own relatives.

The visiting doctor should be well paid, and not only sign the book kept for the purpose, but *report quarterly* to the Board of Lunacy. On the other hand, the Board's inspecting officer should strictly inquire as to the time, trouble, and care taken by the local medical man; should confer with him on each case individually, and if necessary, warn him to be more careful when he (the inspector) finds anything wrong. The great danger is, that the work of the local man *becomes too* perfunctory.

The duties of the assistant Commissioner have always to my knowledge been well and thoroughly done.

With really careful supervision, which is quite possible, there can be no doubt in the minds of those intimately acquainted with the real state of matters that in suitable cases (and, of course, cases are not always of that kind) boarded-out harmless lunatics, idiots, etc., are as a rule much happier than when herded together in an asylum, besides costing less money.

W. BRUCE, M.D., LL.D.

*24th May*, 1906.

24093. Would you tell us in what way you have been particularly interested in the questions we are now investigating?—Mainly, I think, as having had to do with the fatuous poor as parochial medical officer under the parish council.

24094. Have you come across large numbers of children who need institutional care?—No, I have not.

24095. But there are a certain number?—Yes, in some cases there are whole families of fatuous mind.

24096. I believe your opinion is that in these cases their care should be undertaken by the State rather than by the parish?—Yes. My reason for that is that parish councils look upon the sending of them away as more or less an experiment which may or may not succeed, and if they send away a child or two and the child comes back no better then they are loath to make another experiment in that particular way. It costs them a good deal of money with no result that is satisfactory to them.

24097. What do you suggest for the children, that the State should set up institutions like Larbert and Baldovan?—I think there should be such for those who are really able to be taught in some measure. Up to this time children so sent have not been classified into those that were really able to get advantage from such institutions as Larbert or Baldovan, and those who were really idiots or epileptics or congenitally defective to such an extent that it was impossible to do them any good by sending them to such places.

24098. Have you any reason for preferring that the care of these children should be undertaken by the State rather than by the locality. You would not put the special schools under such management; you must leave those in the hands of the education authority of the districts?—Yes, but then you come to the question as between the Local Government Board's duties and the Department's duties, which, of course, is a very difficult question indeed. Supposing the State were ready to take those institutions in hand, then the question would be whether they should be managed by the Local Government Board or by the Education Department.

24099. I do not think you apprehend the meaning of my question. If you had special schools you would not take the management of the children in those schools out of the hands of the local authorities?—Not entirely.

24100. Then when you say that you prefer State management you refer only to boarding institutions?—Yes, boarding institutions alone. Might I add that I do not think that Larbert and Baldovan meet all the cases in Scotland.

24101. I understand you think that the State should set up further institutions?—Yes. I do not see how they are to be provided otherwise.

24102. Is your opinion the same with regard to adults?—No, it is not the same. I think where you have to deal with adults who are entirely helpless or idiotic they should not be boarded out at all. They should be maintained either in separate institutions or in connection with ordinary lunatic asylums, and a large proportion of their maintenance should fall on the State.

24103. Did I understand you to say that you did not think they should be boarded out?—That is so, not adult idiots or hopeless imbeciles.

24104. But I think you are in favour of boarding out?—Yes, but only in certain cases. I would at once say that I do not think that any feeble-minded person should be boarded out unless he is very likely to be of some use to the person who took him in.

24105. In whose hands would you leave the decision—in the hands of the medical officer who certified the case?—I think I should leave it to the medical officers, but perhaps in Scotland—and I am only speaking of what I know—I should leave it mainly in the hands of the Assistant Commissioner.

24106. He is a doctor?—Yes.

24107. (*Dr. Needham.*) With reference to the first point, you say the first thing to be done is to find the numbers. How do you propose to do that?—In the case of adults it would be done through the police and through the inspector of poor and by the Assistant Commissioner on his rounds.

24108. You do not think that we should appoint special investigators?—No.

24109. You propose to do it by the ordinary means ?—Yes. I think the time to find out is when they are children, and there should be the strictest means taken to pick out those children at the school age.

24110. Would you do it by those means ?—No. In the first place there should be a proper census of all children. In Scotland that is not perfectly done at all. It is done apparently at any time the school board chooses to do it; it is not done systematically and properly. When that census is taken every child who is more or less of an imbecile should be noted and his case brought up before the board, and then the school board should come in and decide as to whether he should be sent to be trained or not.

24111. That is so under the Epileptic Act in England ?—It is only Scotland that I know.

24112. It is not so in Scotland ?—No.

24113. You have got the Act in Scotland now ?—If that is so, I must plead ignorance. I am talking of the particular means of finding out the child.

24114. You have no special schools to speak of in Scotland ?—No, certainly not a sufficient number.

24115. And you do not get the information in that way ?—No.

24116. You say that properly managed institutions would be an undoubted benefit. Have you formulated what character these institutions should assume ?—No, I had better not go into that because I have not formulated it.

24117. Do you think they should be of an educational or an industrial character ?—I think all education should be industrial, but I think educational is the way I look at it.

24118. (*Dr. Dunlop.*) Should adult imbeciles and feeble-minded be dealt with in institutions regulated by the Lunacy Board or by a new *ad hoc* authority ?—The Lunacy Board.

24119. It works perfectly well in Scotland ?—Yes.

24120. Other witnesses have told us, and I think you agree, that the two great wants in Scotland are a training school for children and a central asylum for prisoners, vagrants, and other undesirables ?—Yes.

24121. You agree with that ?—Yes.

24122. As it was given by Dr. Macpherson, who covered the matter pretty fully ?—Yes.

24123. You spoke about a census and obtaining the number of imbecile children. What practical advantage would arise from that ?—I think you would catch every imbecile.

24124. Is it necessary to catch every individual ? Is it necessary to segregate all imbeciles, or is it only right and proper to spend public money on the segregation of those who require treatment ?—It seems to be impossible till you catch your fish to know what it is. You do not know what you have got until you catch them. It is only then that you can decide as to which are worth training and which ought to be sent to some proper asylum.

24125. Do you not think it would be a great advance if we dealt with those cases that we already know of as requiring treatment ?—Yes, but do you know all the cases ?

24126. Take a country district. Do not the medical men and the parish people know every imbecile child in the place ?—I am sorry to say to begin with that the parish council are not very anxious——

24127. But that is another matter. They know all the cases ?—No, they do not always know the cases.

24128. The medical men in the district do ?—No, they do not. I could mention a particular case told me by an inspector of poor lately, where a child was treated with the utmost cruelty, and they only discovered that when the poverty became so severe that the inspector of poor was called in. It was only then that they found out that this terrible state of things had been going on.

24129. At all events, it is the neglected cases that we want to know of ?—Yes.

24130. I think you can tell us about the action of the parish councils. At the present moment it is the duty of the inspector of poor, when he gets word that there is a person of unsound mind in the parish requiring relief, to send a medical man and get a certificate and follow certain procedure ?—Yes.

24131. Is that carried out in the case of imbecile children ?—No, nor is it carried out in the case of imbecile adults.

24132. Is that in accordance with the Scottish law ?—I understand it is contrary to the law, but you see cases like this; as long as this particular individual is not certified then they will let it go.

24133. The Lunacy Commissioners have power over certified cases, but none over uncertified cases. The inspector's duty is to deal with the certified cases in a certain way ?—He is quite content to be in the position of not knowing that a particular pauper is imbecile.

24134. He shields himself in that way ?—Yes.

24135. That is a matter that wants revision ?—Yes.

24136. They want to compel the parish council to take care of these cases ?—Yes.

24137. As soon as the necessity for care and treatment arises then the parish council must act ?—Yes.

24138. Regarding adult imbeciles and defectives, generally, you have stated the opinion that they ought all to be under one authority ?—Yes.

24139. Is it necessary to have two institutions, one for acquired insanity and one for congenital insanity ?—I think they ought to be together.

24140. The modern asylum ought to be able to deal with all kinds of cases ?—Yes, by enlarging its bounds.

24141. It ought to be able to do so by internal division ?—Yes.

24142. (*Mr. Dickinson.*) About this boarding-out which I see you speak of, you say that you strongly approve of boarding-out, and then in your last paragraph you point out that, "There can be no doubt in the minds of those intimately acquainted with the real state of matters that in suitable cases (and of course cases are not always of that kind) boarded-out harmless lunatics, idiots, etc., are as a rule much happier than when herded together in an asylum, besides costing less money." I understood you to say in an answer that you did not recommend boarding-out for a class of case with which we are most directly concerned at the present moment ?—I have given that matter more consideration since I wrote my statement, and I have come to the conclusion that there must be a strict line drawn, and the line, I believe, ought to be drawn at the point where the boarded-out individual would be of some use to the person who boarded him.

24143. In what way ?—To do some work.

24144. He must be a useful person ?—Yes.

24145. Have you ever seen the colony in Belguim ?—No.

24146. Who do you think would be suitable for boarding out ?—I do not think it would be a large number. I should explain that the part of the country where I practised was particularly adapted for boarding-out, and in that way I perhaps formed rather an exaggerated idea of its value. I could suggest nothing better for a feeble-minded person than to be on a croft in the country, away from a village, and in my mind, I perhaps exaggerated the value of it.

24147. Would those persons be lunatics or feeble-minded ?—Feeble-minded.

24148. Not lunatics ?—As soon as there is the least danger they are drafted over to the asylum.

24149. I understood that the custom in Scotland was to board out lunatics ?—Not dangerous lunatics.

24150. But a chronic lunatic would be boarded out ?—Yes, but he might develop a sudden disposition and become dangerous, and then he must be certified and sent to the asylum.

24151. You really do not recommend boarding-out as a solution of the question with which we are concerned ?—It is a partial solution.

24152. You say that it costs less money ?—I am a member of the parish council, and it is just a question which is the cheaper, and we board out because it is cheaper.

*W. Bruce, Esq., M.D., Ll.D.*

12 June 1906.

24153. Can you give me any figures?—I think you can board them out for less than £20 a year. There is a saving of something like £10.

24154. (*Mr. Byrne.*) I only want to ask you why you suggest that when boarding-out takes place it is better to be with strangers than with one's own family?—Since I wrote that statement I have questioned people who know about the matter. There is a great deal to be said in favour of the family, for sentimental reasons. The idea that I had as a member of the parish council was that one has more hold on the non-relative. You can change them without any difficulty, and you can put the screw on them a little better.

24155. (*Chairman.*) Is there anything you would like to add?—I think I have kept pretty closely to the class of the feeble-minded, but I would like to mention something that I have come across, which I think might interest the Commissioners. It so happens that a friend of mine is inspector of poor for two parishes in the neighbourhood of Dingwall, one being the parish of Urquhart and the other the parish of Fodderty. In the parish of Urquhart with a population of 2,029, there are at present fourteen fatuous paupers belonging to that parish, and four belonging to other parishes. Now contrast that with the parish of Fodderty with a population of 1757 and not a single fatuous pauper. So far as I know, the conditions are exactly the same as regards environment; there is the same amount of consumption and alcoholic abuse, and the same climate, and yet within sight of each other, these two parishes show totally different results.

24156. How do you account for it?—I cannot account for it. There are a great many different causes working together. You could not account for it by the causes I have read of, by putting it down either to hereditary tendencies or to alcohol or consumption. You would be wrong if you put it down to that as the sole cause. A cause suggested to me is certainly one which I think is an element, and it is this—as my friend puts it—the one parish where the fatuous paupers are is in a sort of eddy or bye-current where people do not mix very much, and there is not much going and coming, while in the other parish there is a great deal more going and coming, and they are more in the general current of things as they go on day by day.

## T. S. Clouston, Esq., M.D., F.R.C.P.E., F.R.S.E., called; and Examined.

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12 June 1906.

24157. (*Chairman.*) You have been so kind as to give us a statement of your evidence; may we put it on our notes?—Certainly.

STATEMENT OF THE EVIDENCE PROPOSED TO BE GIVEN BY T. S. CLOUSTON, ESQ., M.D., F.R.C.P.E., F.R.S.E.

Qualifications.

I have been the Physician-Superintendent of the Royal Edinburgh Asylum for thirty-two years and I was Medical Superintendent at Carlisle Asylum for ten years previously. I am the lecturer on mental diseases in Edinburgh University. I have studied and written about mental diseases and defects during the whole of my professional life. Two of my works implied special study of congenital mental defect, viz., "The Neuroses of Development," and "The Hygiene of Mind," now in the Press.

Close connection of Feeble-Mindedness with other nervous diseases.

My studies in regard to arrested and enfeebled mind (idiocy and imbecility) took into account, as closely related to such weaknesses of mind, the large number of other nervous conditions which are often seen along with them during the development of the human body from birth to the age of twenty-five. This relation to other nervous diseases is a very important aspect of mental imbecility, and throws much light on its nature. The chief of those related nervous affections are, epilepsy, which is in the direct scope of your Commission, acephaly or the absence of brain, hare-lip, cleft palate, the convulsions of teething, infantile paralysis, many forms of squint, St. Vitus' Dance, some forms of asthma, sleep walking, sick headaches (megrim), hysteria, and adolescent insanity. In addition, too, there is often seen many morbid mental changes short of insanity such as eccentricity, stupidity, perversities, impulsiveness, drink or drug craving, etc. Those are all pathological cousins of congenital feeble-mindedness. They are often mixed up with it in the same individual and in the same family.

Bad heredity the chief predisposing cause.

They all have in common as a chief pre-disposing cause, bad brain heredity, or direct brain poisons in the parents, such as alcohol and syphilis. Some of those related nervous conditions are curable and in them there is not found after death any organic change in the brain, but in idiocy and in the worst forms of congenital imbecility, as in many of the pathological cousins which I have enumerated, quite marked and unmistakeable changes

Abnormal state of brain cells immediate cause.

in certain portions of the brain, as compared with its normal condition, are seen. Advances in modern microscopical science have enabled us to make out such changes. The existence of those pathological arrests in the brain cells or of other changes, the result of poisons, indicate a definitely incurable condition of mind. No doubt, there are a few cases where in the development of brain from birth to twenty-five there may be postponement of

Postponement of development in some cases.

faculty and mental power which do not come on at the usual time but appear at a later period. For instance, I have seen the faculty of speech delayed in its appearance till the age of eight and afterwards become normal. Also I have seen the ordinary mental capacity to acquire school knowledge delayed till at eleven years and afterwards it appears in normal power. In regard to the moral faculties, the sense of right and wrong, resistance to temptation, animal impulses and mental inhibition generally there is the most extraordinary difference as to the time of its full development in many cases where there is a nervous heredity. I have known a young woman, where there seemed to be no moral sense whatever up to about the age of eighteen, and yet by twenty-five she became like other girls. The real cause of mental feebleness in youth is undoubtedly the physical one of non-development of the brain cells which are the vehicle of mind. Fifty-one per cent. of all epilepsy comes on before fourteen years of age, and 95 per cent. before twenty-five. This shows its definite relationship to the developmental period of the brain.

Epilepsy a developmental disease.

I have had under my care either in institutions or in their own homes, over 16,000 cases of mental disease or defect; 14,000 of those were certified as being of unsound mind and placed in institutions. About 11,000 of them have been rate-paid from Edinburgh and Leith. Of that 14,000, 690, or about 5 per cent. were congenital imbeciles and epileptics, the exact numbers being 247 congenital weak-minded, non-epileptic, and 443 epileptics the percentages being 1·8 and 3·3 respectively Part of those statistics refer to my experience in Carlisle, in the asylum for Cumberland and Westmorland, where I find there was nearly twice the number of epileptics and imbeciles admitted in proportion to the rest of the insane as compared with Edinburgh. This fact I partly account for through there being no organised "Boarding-out" system by the parish council as in Scotland. I have endeavoured to ascertain the proportion of imbeciles and epileptics in Edinburgh and Leith which have needed certification and residence in an asylum as compared with the whole number existing in those towns, but I have been unable to form even an approximation of evidence that would be reliable. The census of 1901 shows 321 feeble-minded persons in Edinburgh and Leith, but this number includes a large number of weak-minded persons whose mental defects did not arise in youth and obviously does not include many imbecile children or mildly enfeebled persons. The reason why imbeciles and epileptics are certified and sent to asylums are—

Proportions of Feeble-minded and epileptics to insane in Royal Edinburgh Asylum.

No statistics as to proportions of certified to uncertified imbeciles.

Reasons why imbeciles and epileptics are certified and sent to asylums.

1. Attacks of acute insanity, both mania and melancholia, which are, as it were, super-imposed on the state of congenital weakness of mind. As a matter of fact many imbeciles are very subject to such acute attacks.

2. Their having become nuisances and more or less unmanageable at home. This condition usually comes on after puberty and during adolescence.

3. Their having become nuisances to the community.

4. Their having lapsed into various degrees of criminality, the criminal acts being usually of the slighter kind, but implying the interference of the police.

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5. Indecent conduct and behaviour, usually of a sexual kind. Many of those cases, after being subjected to the discipline of the Institution for a time and greatly improved thereby, were boarded out by the Parish Council with families in the country, and in many cases this mode of treatment was very successful and was cheap. I always however hesitated to recommend certain imbecile young women for boarding out, no matter how manageable they were.

Average No. of epileptics sent to and resident in asylums.

Our average number of epileptics resident in the Royal Edinburgh Asylum during the past twenty-three years in proportion to the whole asylum population has been 5·2 per cent, and of congenital imbeciles 2·2 per cent; in all 7·4 per cent. As compared with many English County Asylums this proportion is very small. The cider and beer drinking counties have the largest proportion of epileptics. Some of them have nearly five times our proportion, or 25 per cent. of resident epileptics; and from 25 per cent. to 11 per cent. of their admissions, or over three times our proportion of admissions.

Facts as to sexual dangers of Feeble-minded.

Of late years, I have been devoting special attention to the previous history of the feeble-minded who have been sent to the asylum as certified patients, especially the young women. Through conversations with the patients themselves and through the enquiries by nurses and the information supplied by parents and relatives and from bodily indications where they have had children, I have come to the conclusion that such persons in a large city are subject to overwhelming temptations and pressure towards sexual immorality. I find, as a matter of fact, that it is an exception for any of them not to have been sexually tampered with among a certain class of society. Many of them have had illegitimate children, and this often at very early ages. One had seven such children. I look on this source of immorality as an extremely grave one in our social life. In a way, it is more disgusting and degrading than prostitution or sexual lapses through passion. When illegitimate children are born by such young women, the chances are enormously in favour of their turning out to be either imbeciles or degenerates, or criminals.

Epilepsy an essential part of such diseases.

The existence of epilepsy in many of those cases, I look on as being an essential part of the brain defects and scarcely look on it as a distinct disease at all. In such cases the epilepsy and the mental weakness cannot be dissociated from each other. They are due to the same cause, viz., changes in the brain cells.

Immorality and crime improved by a proper system of care.

I am strongly of opinion that a proper care of feeble-minded girls would appreciably diminish the immorality, especially of our large cities, and would cut off one of the supplies of future imbeciles and criminals. During my long experience, I have now seen many cases of the grand-children of imbeciles who were themselves insane or epileptics. I believe that the tramp class is also largely recruited from this source.

Feeble-minded in richer classes well cared for and protected.

My experience in private consultation practice is that among the better off classes the feeble-minded members are, as a rule, well cared for and kindly treated. Suitable means are usually taken for their being guarded from temptation. They are sent to schools for the feeble-minded when young and then they are often boarded at quiet farms under supervision in the country. A few of them are sent for various reasons to asylums as certified patients. I find that about 2 per cent of our patients at Craig House where the richer private patients live, are of this class. My experience does not agree with that of Dr. Maudsley that there are marked abuses in the boarding of such cases with strangers or relations. In Scotland, I think the supervision given by our Deputy Commissioners in Lunacy probably prevents this.

An investigation by witness into prevalence of mental defect in the Orkney Islands where all the facts were known to him.

As throwing light on the origin and prevalence of mental defects, both congenital and otherwise, I may mention the result of an investigation I once made in regard to them in a small isolated parish in the Orkney Islands, which I had known particularly well all my life. The families were very stationary, as most of the farmers have owned their land from time immemorial, but many of the individuals, usually the young people, all but the eldest sons and married daughters, go to the Colonies, to sea, and to domestic service in the South, from which few of them return to their native parish. There always has been much inter-marrying among families of this parish, the inter-marrying being often confined to the smaller sections of the parish, the townships. There is practically no drunkenness and none of the grosser vices of town life. The people are respectable, very thrifty and hard working. They are generally a fine race physically, mostly of Scandinavian descent. Their lives are, in certain respects, ideal from the modern health point of view. I took the history of three generations of eighty-three families, and I found that one or more cases of idiocy, epilepsy, feeble-mindedness, or insanity had occurred in forty-one of them. There were some families very tainted and some families entirely free from taint. The hereditary character of all those conditions was brought out most markedly, all the cases where idiocy, imbecility, and epilepsy had occurred showing a marked family history of nervous disease. There was much more idiocy, feeble-mindedness, and epilepsy than ordinary insanity. I attribute this amount of brain defect to too close inbreeding over a thousand years since the Scandinavian invasion of those islands. A bad stock had somehow got in and spread itself among the inhabitants of the parish through this close inter-breeding. This had not in all that time been counteracted by the healthy lives the people led. No doubt the tendency to mental defect had been accentuated by the fact that those who left the parish were, speaking generally, the healthiest and most robust, mentally and bodily. My opinion is that those defects prevailed in this otherwise healthy parish to a much greater extent than in the rest of Scotland, but I am not able to give statistics to prove this, for, so far as I am aware, no such minute investigation by a skilled observer who knew the people personally has been made elsewhere. No doubt the fact that children handicapped by mental enfeeblement and epilepsy are better cared for and live longer than they would do if born in our cities partly accounts for their prevalence. This is strongly brought out in a most instructive disquisition in the 45th Report of the Scottish Board of Lunacy. A comparison is there made between the Board's statistics and the number of imbeciles returned in the census of 1901 for different counties. The contrast between the urban and rural rates and its explanation is specially instructive. The law of sexual selection came in very normally, because I was able to trace only two or three cases of women, even slightly feeble-minded, having married. There were a few instances of such women having had illegitimate children, and undoubtedly the worst sexual scandals in the parish took place through the existence of such women. Such facts can only be got at by private investigation. They could not appear in any system of public statistics. Somewhat the same facts can be seen in the village of Newhaven, near Edinburgh, where there is an enormous proportion to the population of the insane, epileptics, idiots, and feeble-minded persons.

Ideal lives.

Great prevalence of mental defect and epilepsy.

Bad stock got in.

Newhaven, near Edinburgh, and its mental defects.

My suggestions for the proper meeting of the risks to society and to themselves of the existence of the feeble minded in our population are the following:—

Eight suggestions.

1. There should be an attempt made to instruct parents as to what the condition is, what it means, what are its risks and the proper precautions to be taken where it exists. Especially the extra risks that occur when that period of puberty arrives should be impressed on them. I have found usually lamentable ignorance on the part of the parents of such defective persons and gross carelessness resulting from such ignorance. I consider this would probably do much good.

Instructions to parents.

2. It should be made a notifiable disease by all family doctors, Poor Law medical officers, and health officers.

Made notifiable.

3. The effects of such instruction and such notification would, in my opinion, be to enable parents and teachers to distinguish the effect of mental defects from "laziness," "idleness," "carelessness," "obstinacy," "bad temper," "vicious tendencies," and such purely moral defects under the control of the will or of suitable motives. This confusion as to what such young people can help and what they cannot help in their conduct leads to much cruelty and unnecessary distress.

Distinction of pathological from moral vices.

4. A properly organised and inspected system of boarding out in the country with respectable, conscientious people would solve the difficulties and diminish the risks in very many cases.

Boarding out.

5. Special educative institutions, such as exist at present for the educable, should be more largely used in the early years of life than is the case.

Imbecile schools.

Inter-marriage.

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Asylums.

Mental examination by experts.

The very dangerous to be sent to criminal lunatic asylums.

6. As at present the cases implying special dangers, those subject to acute attacks, and those whose immoral tendencies are a special risk to the social condition of cities, should be certified and sent to asylums.

7. Whenever such cases fall into the hands of the police a careful examination and report should be made by an expert, and his advice taken as to what should be done with the case. They are all unsuitable for prison life.

8. There are a few cases of such an extremely dangerous character that they should, after due judicial enquiry, be placed in the special institutions for criminal lunatics. This suggestion is made for their own sakes, the sake of the ordinary patients in asylums, and for the sake of the public. A modern asylum is becoming more and more a curative hospital where a great deal of freedom is given, where restrictions of personal liberty are relaxed to every practicable extent and where therefore the influence of certain dangerous patients of intractable bad tendencies is a great evil, and tends to spoil the character and diminish the usefulness of such mental hospitals. This suggestion applies to certain cases of ordinary insanity as well as the feeble-minded. It specially applies, however, to epileptics, some of whom are the most dangerous class in our asylums, and almost all of whom are incurable. Epilepsy is especially prevalent among the children of the drunkard, the vicious, and the criminal.

I do not think that the carrying out of those suggestions would cost the country much more than the feeble-minded at present cost it in one way or another.

Mental examination of criminals.

I strongly agree with Dr. John Macpherson that a most careful examination should be made into the mental condition of every criminal sent to gaol, by an expert medical man. I would extend this suggestion to all tramps who come under the notice of the police.

Correction of Mr. Spence's opinion as to Scottish six months' certificate.

I think it is my duty to say in regard to Question 20895, and its answer that I entirely disagree with the answer given to it in reference to the effect of the six months' certificate for incipient cases of mental disease provided for in the Scotch Lunacy Act, 20 & 21 Vic., c. 71, s. XLI.* Dr. Dunlop asked the witness being examined, Mr. Spence, the Secretary of the Scotch Board of Lunacy, referring to such patients: "Are they not under compulsory detention at all? The answer was, "No." This is entirely, in my judgment, contrary to the facts, and my experience on that point is probably as large as that of any doctor in Scotland. In my opinion, those certificates are most valuable. Two Bills, at least, have been brought into Parliament to extend them to England, and I have heard many members of our profession in England expressing the strong opinion that it would be an advantage to that country. My practice and that of other medical men has been to regard the certificate as warranting compulsory control while it lasts. Otherwise, it would be of no use whatever, and its existence in the Statute would be a mere farce.

The bromides in epilepsy.

I emphatically disagree with Dr. Alexander's opinion as to the uselessness and harmfulness of the bromides in the treatment of certain forms of epilepsy. I made a series of most careful scientific experiments on this important point in 1867, and succeeded in reducing the fits taken by my epileptic patients to one sixth of what they had formerly been. Most of them benefited during the treatment in their general health. They gained in weight, and they were less irritable and dangerous. I have used it regularly ever since for nearly all my epileptics, and my opinion about it has not changed. My epileptic patients are mostly adults, and it is possible that most of Dr. Alexander's were children, though he does not say so. I admit that its use in many epileptic children is not nearly so great as among adults, but his statements are, in my opinion, far too sweeping, and therefore calculated to do harm. My opinion in regard to this is the opinion of most medical men in practice, and is the opinion now commonly expressed in the standard works on the practice of medicine.

Senile Feeble-mindness and asylums.

There is a kind of mental feebleness which of late years has been increasingly certified as technical insanity and sent to mental hospitals, that is, the senile and paralytic broken down people among the poor. The mean age of our admissions into the Royal Edinburgh Asylum has gone up in the last thirty-two years by three years. The number of the patients over sixty sent to us year by year has more than doubled. Our death rate has gone up 46 per cent., and our recovery rate has fallen 33 per cent.—all from this cause. Such patients are very troublesome and expensive. They take up the best parts of our hospital departments, they need our best nursing staff to attend to them, and this with no hope of cure in almost any of them. Yet I cannot altogether condemn the practice, for there is no doubt they receive treatment in asylums which they could not receive elsewhere. My chief objection to them is that they take up beds and nursing which should be reserved for curative purposes. The sending of such cases into asylums is undoubtedly one of the causes of the apparent increase of insanity of late years which has caused so much unnecessary alarm among the public, who think that this increase is owing to the stress and strain of life in modern times, while the actual increase of numbers is in reality among the poor who have had no such mental stress. Such cases often improve in respect of becoming more quiet by night and day after a few months, and they might then be sent to poorhouse hospitals, where the cost would be less, while the care would be sufficient.

24158. (*Mr. Dickinson.*) I notice in the first paragraph of your very interesting statement, you point out that a great deal of the feeble-mindedness is due to some cause that is inherent in the parents, or at any rate is due to the action of the parents?—Yes, transmitted through hereditary laws.

24159. But not merely hereditary. You attach a certain amount of importance to the use of alcohol?—Yes.

24160. That is to say that drunken parents, without any hereditary mental taint in themselves—I do not say so—might produce feeble-minded children?—I think that is possible, but I think the kind of drunken parents who beget imbecile children have usually themselves a hereditary tendency towards some kind of brain weakening. I am not prepared to say that an absolutely healthy man who became drunken in his lifetime would beget such children.

24161. I suppose you would say that a congenital feeble-minded child owes its affliction in some cases to operations committed either before or after its birth?—Do you mean surgical operations?

24162. No, I mean circumstances from poor bringing up, or bad unhealthy condition of the mother immediately before the birth?—In such cases I should judge that there was some little unsound weakness. I do not believe it would be possible to produce an imbecile of the typical sort by mere environment after birth, unless there had been some tendency towards brain weakness.

24163. That is important, because I gathered to the contrary?—I do not believe that would be possible. You can kill a child, but you could not make it a typical imbecile.

24164. Do you say there are practically no imbecile children whose imbecility might have been prevented if certain steps had been taken at a particular stage of its infancy?—Quantities of them. The influence of environment is enormous, but I think you must have some little peg behind on which the environment acts.

24165. Does it come to this, that the evil results of this peg, this hereditary tendency, could be dissipated by proper treatment in a great many cases?—Yes.

24166. But you do not think that the feebleness of mind can be due entirely to neglect?—I do not think so.

24167. Talking about feebleness of mind due to failure of development, you say you have seen the ordinary mental capacity to acquire school knowledge delayed till at eleven years, and afterwards appearing in normal powers?—Yes, often.

24168. And so you cannot say for certain whether a person is feeble-minded until that person has become ten or eleven years of age?—I do not say that. There are many cases where there are many indications of incurability and which you can see will not develop. There are others where you could not say that they would not develop, because they might be cases of postponed development.

24169. I think you understand what my mind is turning upon—the question of the education of children. According to you it seems to me that one ought not to stop the education of feeble-minded children until the time at

* Vide page 19, col. 2.

which you get pretty well certain that development is hopeless?—Certainly not, if the education is of the right sort.

24170. Do you approve or do you not approve of the special classes for feeble-minded children?—I entirely approve of them.

24171. Would you give us your reasons for that?—The principles on which these schools are founded are those which are applicable only to children of somewhat backward intellect. The ordinary school assumes that the intellect is normal and developing in a normal way, and therefore it is not applicable to the imbecile child.

24172. You understand that there are people who say it is useless to teach these children?—It depends what you mean by the word "useless." You may not get much £ s. d. from it, but it is a very philanthropic thing to do, and it makes their lives happier and more human.

24173. There is a certain proportion of those children to whom the education would insure a complete mental development?—Yes. Suppose you had an imbecile child, mildly imbecile up to the age of nine, and suppose it was sent to an imbecile school and then suddenly developed, it would be taken away from that school and sent to an ordinary school for education. I have known that to occur.

24174. With regard to the proportions of feeble-minded and epileptics to the insane in the Royal Edinburgh Asylum of which you speak, you say that you have had under your care, either in institutions or in their own homes, over 16,000 cases of mental disease or defect, and 14,000 of those were certified as being of unsound mind and placed in institutions. What were the other 2,000?—Those were cases that I have seen in private consultation work.

24175. Not placed in institutions?—Some of them were and some were not, but these are cases where I have been asked by the family doctor to see them.

24176. Then you take the 14,000 as the figure you deal with, and you point out that 690 of these were congenital imbeciles and epileptics. Now, I take it that those 14,000 are chiefly persons who were supposed to be insane?—No, who were absolutely insane. The only definition of insanity in this country is that a c s› is certified by two doctors. Those were all certified by two doctors.

24177. They would not have come under your notice otherwise?—No.

24178. Then 5 per cent. of congenital imbeciles would not be the figure all over the country. Of these 14,000 that you saw, 5 per cent. were congenital imbeciles and epileptics, but that would not mean that we were to assume that only one-twentieth of the number—— ?—By no manner of means. Those 5 per cent. represent congenital idiots with such habits that they were difficult to manage and could not be treated outside an institution; they required to be sent under the Lunacy Act by means of the lunacy certificates, which specially provided, "insane, of unsound mind, lunatic, or idiot." "Idiot" is really in the certificate as one of the expressions that you can use in signing a certificate. These are sent under those certificates.

24179. If you were to take a population that contained 14,000 mentally affected people, would you probably find a greater number than 690 congenital imbeciles?—Beyond all doubt. That is merely the worst class of imbeciles, the most troublesome class.

24180. I see you strongly favour the segregation of the feeble-minded, women particularly, in Homes?—Yes.

24181. You think there is a great moral danger?—Yes.

24182. And you go by facts?—Yes, I specially mention facts that have led me to that conclusion.

24183. You also say that in your view the tramp class very largely springs from feeble-minded parents?—That is my view.

24184. You tell us about an investigation that you made in the Orkney Islands, where you took the history of three generations of eighty-three families, and found one or more cases of idiocy, epilepsy, feeble-mindedness or insanity had occurred in forty-one of them. Would that, in your opinion, be above the ordinary average or below the ordinary average?—It is above the ordinary average, in my judgment; but, at the same time, I am not prepared with statistics. Such investigations, where you know every member of a family, are so rare that it is difficult to compare that bit of work with any other that has been done.

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24185. You had facilities for knowing the private history of all those persons?—Yes. In a little parish you know everybody and you can get at every member of three generations.

24186. Assuming that someone else had had similar facilities to those which you had in this place, would they find the same thing somewhere else?—I believe they would not find the existence of mental disease to such an extent, but I am not prepared with facts to support that.

24187. You think it is an exceptional case?—Yes.

24188. And you attribute it to the inbreeding?—Yes. You have the population living under the most extraordinarily favourable circumstances, free from vice and drink, and yet you have that condition.

24189. It makes it all the more startling that in all probability in another case under less favourable conditions you would find less insanity?—In cities it is one of the great hopes for the future that people do not intermarry with their kin. Now these people had intermarried with their kin for hundreds of years.

24190. In large cities there are circumstances which would counteract the adverse circumstances of environment?—Yes. That is one of the great things in large cities, that people marry outside their own ring.

24191. And that will produce a stronger population both physically and mentally?—Yes.

24192. In this case you find them physically better developed in the Orkneys?—Yes.

24193. Is it your explanation of this state of things in the Orkneys and Shetland that they have been bound to intermarry?—I do not say so, but the intermarrying is all over the Orkneys and Shetland. Many of the parishes are sea-board parishes. This parish to which I refer is not bounded by the sea. It is the most isolated parish and yet it is the parish where the people are extremely comfortable, owning their own land.

24194. But there is a good deal of emigration there?—Yes. If they had not emigrated they would have got into the same position as the Western Hebrides and have been over-populated and miserable in consequence.

24195. To come to your suggestions, I see there are eight and I notice that you do not propose the establishment of institutions for feeble-minded?—Not specially.

24196. Can you tell us your reasons for that?—Feeble-mindedness, as everyone knows, is a question of degree. There are no two feeble-minded persons precisely like each other, and therefore you must graduate them according to their feeble-mindedness and their tendencies in life. It seemed to me that the boarding out, and the asylum, and the school, and a certain number of prisons practically covered the ground, but possibly I ought to have said that in regard to specially educative institutions I should continue those longer than is done at Larbert and I would have in a special department of those institutions a very considerable number of imbeciles of adult age. I would combine the education with the establishment life in some of the other cases so that you would have both together, probably in a separate department.

24197. Not all?—No. In Scotland we are very much prejudiced in favour of boarding-out for a great numb r of imbeciles. They are an extremely suitable class to board out.

24198. Did you hear Dr. Bruce's evidence?—Yes.

24199. You would differ with him?—Yes.

24200. You think they are suitable?—Yes, most suitable.

24201. To begin with you say that you would hesitate about recommending young women to be boarded out?—Yes, but that is merely a section. If you take in the main 100 imbeciles you will find thirty of them quite suitable for boarding-out.

24202. Take 100 imbecile women, how many of those would you find that could be boarded out?—All those

**Questions 24202 to 24233.**



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above the climateric age, and then there are quite a number under that age who have no immoral tendencies and who under a certain amount of supervision could be boarded out quite safely. It is always a pity to apply a general principle too much all round where it does not apply.

24203. Wou'd you say that you would board out nearly one-half of such cases?—I put it at about one-third.

24204. What would you do with the remaining two-thirds?—A number of them would be in the asylums. I have tried my utmost to find out the proportion of imbeciles sent to asylums as compared with the existing number, but I do not think there are any statistics from which to form a conclusion on that point. Supposing there are 15 per cent. of the actual imbeciles sent to the asylums, then you have them provided for and then you have a certain number provided for at home. I do not call that boarding out. A great many decent people provide for their own imbecile relations. There is quite a large number among self-respecting people such as you have in this country who do not like to part with a weak-minded child. So you really dispose of the greater number of them in that way. The others are sent to the educative institutions and are kept there. But I would weed them out as soon as the educative or schooling process is done—say when they reach the age of fifteen—and then after proper investigation they would be kept in the institution or sent out to the country. That should be done in every case so as to weed them out. It is a question of proper organisation and it must be someone's business to attend to this.

24205. Did you hear Dr. Ireland's evidence about the action of the Lunacy Board in regard to Larbert?—Yes.

24206. Did you think that was right?—My view was always this, that the Board were obliged to do it from their interpretation of the Scottish Lunacy Acts. I do not think that the Lunacy Commissioners believed it was a good thing, but they had to carry out the law.

24207. I take it to be your view that it was a good thing?—I think that many of them would have been better left there.

24208. Have you any idea how many of these institutions—places like Larbert—you would require in Scotland?—I have not gone into that question.

24209. The last thing you say is that some cases you would send to the workhouse?—Yes, if they had a properly organised hospital. Those people are invalids, they have damaged brains, they are undergoing the process that takes place just before death, and they require hospital treatment wherever they are. I think it would be cheaper to give them that in the poorhouse hospital.

24210. You think that they would get proper treatment there?—Yes, some of our poorhouse hospitals are very well organised nowadays.

24211. (*Mr. Byrne.*) With regard to the feeble-minded that you would continue in an institution after their training was completed, what sort of institution do you contemplate? Would you like to have a colony?—An industrial place in the country.

24212. Is this the idea; you would have universal training separating itself into two sections, at the age when the experts said that this was a case that could be taught and that was not, and then at the adult age, you would put the latter into a colony?—Yes.

24213 You speak strongly of your belief that a proper care of feeble-minded girls would appreciably diminish the immorality, especially in our large cities and would cut off some of the supplies of future imbeciles and criminals?—Yes.

24214. We had a witness who told us that in fourteen years out of 400 cases of illegitimate children born in the poorhouse with which he had an acquaintance only four showed any signs of feeble-mindedness?—That is a very unusual experience.

24215. I refer to the mothers—four mothers were feeble-minded, the others not being feeble-minded. Does that surprise you?—I am surprised at that. If other masters of poorhouses were taken to corroborate that statement it would not be confirmed.

24216. Can you tell us how it is that in the 14,000 cases of which you speak, and also in the second column of your statement (*page 200, col. 2*) where you speak of the asylum population of the Royal Edinburgh Asylum, you have in the one case only 5 per cent. of congenital imbeciles and in the other only 2·2 per cent.? That much below the proportion in English asylums.—represents the difference between the rich and the poor. The 2 per cent. represents the absolute number of imbeciles that are so troublesome, however rich they are, that they must be put into an asylum. The other represents the poorer classes where minor unmanageableness implies their being sent to an asylum.

24217. But in either case it is small. Even 5 per cent. is very low?—Yes.

24218. The percentage is about 10 in England?—That, in fact, was my experience in Cumberland and Westmoreland.

24219. What makes the difference across the border?—I do not know that it is proved, but I think our system of boarding-out makes the difference, our system of supervised boarding-out.

24220. People are more used to taking care of imbeciles at home and they feel that they can do it under inspection, and they do it?—Yes. There are villages in Fifeshire which swarm with imbeciles and chronic lunatics and where the population are the keepers of these people. Everyone has an interest in them and looks after them.

24221. Are there many unknown to the lunacy authorities living with their own families?—Yes. Of course, where they go with strangers then they must be known to the Lunacy Board, but there is no law compelling a father or mother to give notice to any public authority.

24222. Are there many scandals and cases of immorality and crime connected with the non-dealing with imbeciles?—Do you mean boarded-out?

24223. No, imbeciles who are not either in institutions or under supervision?—I think it is quite common in city life. Sexual scandals have taken place.

24224. Is drunkenness, with the bad example it causes, often attributable to the presence of feeble-minded persons?—I cannot tell the proportion. There is a certain amount of scandal and immorality, but I would not like to say that that accounts for an appreciable amount of the drunkenness in our great cities. It accounts for a proportion.

24225. Among your eight remedial steps you say nothing about discharges of lunatics alleged to be recovered from asylums. I notice from the last reports of the Commissioners in Scotland the proportion is about the same as in England?—Yes.

24226. The proportion that go in again in a year or in a few months is about the same as in England?—Yes.

24227. The proportion that get into trouble is about the same?—Yes.

24228. In England many of those people are discharged although it is certain that their minds will give way again. We are told that substantial evils arise from that. Is that so in Scotland?—Yes, and it always will be so.

24229. Under any change of the law that may be made?—At the present time the physician of an asylum is bound to discharge a patient when that patient recovers.

24230. But there is no definition of the word "recovered" in the law?—No. It is largely a question of his daily conduct.

24231. Why is the physician tied down to that?—I cannot imagine any test of insanity so practical as daily conduct.

24232. If you had a case of a man or woman who was sent from the prison to an asylum as insane and made a pauper lunatic, and then released by the medical superintendent, and then back again in a short time to the prison, and so on for twenty-seven times, it being absolutely evident to anyone that that person would continue to act in the same way as long as she was allowed, what would you say to that?—I say that the doctor is not to blame there. It is the law. If the law provided for such a case then we should carry out the law.

24233. The law says nothing at all except that the man is to be discharged when recovered?—You put an

enormous responsibility on a doctor when you say that he can keep a man twenty years in an asylum when that man's conduct is that of a sane man.

24234. It would be a very heavy responsibility ?—It would be a responsibility which I for one would not accept.

24235. You advise us that there is a great evil ?—Yes, there are great evils.

24236. Have you thought out any practical suggestions for alterations in the law to meet these evils ?—I think one alteration in the law would practically meet the evil. Supposing you had such a case as you have described, and supposing the medical officer in the asylum was fully convinced that that case would undoubtedly come in again, either to the prison or to the asylum to be discharged again, then I think if that officer were able to intimate to the judicial authority who sent in the case, that is the Sheriff, and if a new investigation were made and a new kind of order were given to the doctor, so that he would have legal power to keep that person in, then I think that would meet the difficulty. I do not think that any single doctor should have the power; it should be some judicial process.

24237. In England at the present moment the Home Secretary has directed that all feeble-minded persons discharged from prisons shall be specially reported to the police so that a magistrate shall deal with them as feeble-minded persons. The magistrates say that they have only power to send persons to prison for seven days ?—They must act according to the law.

24238. It is the law that ought to be changed ?—Yes.

24239. And it is the criminal law that ought to be changed, not the lunacy law ?—I do not care which law it is; it is in order to protect society against the evil. Now, the lunacy laws are for the purpose of caring for the insane. If you depart from that then you alter their whole character.

24240. Do you see anything unreasonable in a change of the law which would enable a magistrate, having such a person before him and having these facts proved, to say, "I commit so-and-so to be sent to the aslyum until the authorities discharge him" ?—No.

24241. Would that meet the requirements ?—Yes, I think it would meet them quite well if we had a special class of asylum for such cases. At the present time our institutions are really curative hospitals.

24242. You want a place which is, so to speak, a labouring prison ?—Yes.

24243. And you would recommend that ?—Yes.

24244. Is that suggestion one in recommending which you feel that you are speaking for your profession in Scotland ?—I think so. I think I may say that I speak for my profession in that respect.

24245. Is that a matter that has been discussed much ?—Yes, we have often felt it a great grievance.

24246. You say that you strongly agree with Dr. John Macpherson that a most careful examination should be made into the mental condition of every criminal sent to gaol. Supposing that examination is made and you find that the man, although not legally insane so as to escape the consequences of his criminal acts, is nevertheless feeble-minded, and is not deterred by the fear of punishment, what consequence should follow this examination in your opinion ?—I think it introduces a new principle into jurisprudence and it is rather for the lawyers to determine what is to be done.

24247. That should be an alteration in the criminal law and not in the lunacy law ?—Yes.

24248. Suppose we had the case of a man committing sexual offences time after time, then that is a case for the criminal law ?—Yes.

24249. And the criminal law ought to settle it by providing for his detention ?—Yes, but he ought to be made to work for his living when that is determined.

24250. And never get out until he is believed by experts to be free from danger ?—Yes, and by some judicial process.

24251. With regard to the Scotch six months' certificate, where you say you do not agree with the statement that the patients are under compulsory detention, this matter has been mooted in England. What is the nature of the power which you think that gives to the doctor ? Does it enable him to use force to prevent a man going out ?—Yes, I have always so interpreted it, but I am willing to admit that the interpretation has never come before our law courts and it is my own common-sense interpretation. What is the good of the thing unless it gives such a power ? I have always practised that and I have never been questioned except on one occasion.

24252. Have you often been asked as to that in your consulting practice ?—Yes.

24253. And you have told them your powers are sufficient ?—Yes.

24254. And you have had no trouble ?—No. I have always acted in conjunction with the natural guardians of the patient. I should never as a doctor act on that certificate alone without their moral support. I always ask the nearest available guardian or relative to give me a letter homologating the certificate to back up my position. I do not think it affects the thing legally, but it affects it morally.

24255. You do not think it requires any change in the law ?—No.

24256. (*Mrs. Pinsent.*) In one of your suggestions you recommend instruction to the parents ?—Yes.

24257. How would you suggest that that should be carried out ?—At the present time as things are situated I would make it one of the duties of the parish council medical officer under the general instruction of his Board. As regards one of the practical ways in which it could be done, I have no doubt you have seen those little pamphlets given out to mothers by philanthropic societies, as to how children should be treated, etc. I remember writing a little pamphlet on marriage for instance. I do not see why this should not come under such a scheme.

24258. The only thing that occurs to one is that the parents are often of a very low class, such a low class that they do not read or appreciate such pamphlets ?—There is no doubt about that.

24259. Has it occurred to you that one way to do it might be through the teacher ? It is very common for educational authorities to issue pamphlets of the same description ?—Yes.

24260. And also for the teachers themselves to have conversations with the parents ?—I would accept that and every other common-sense way in which it could be done. Another way of which I am in favour is for it to be done by the medical man.

24261. Yes, if the medical man could get at the parents ?—Yes.

24262. But the teacher has greater opportunities ?—Yes. I would accept any way of giving the information.

24263. That would be one of the forms in which the special classes would be of very great use to the community ?—Yes.

24264. In the way of getting into touch with the parents ?—Yes, using their knowledge for the teaching of the community.

24265. You are well in favour of the establishment of special day classes ?—I do not know about them.

24266. Have you any experience of the special classes in Glasgow ?—No.

24267. You have not formed any opinion that you could give us ?—No, because I do not know the facts.

24268. With regard to the instruction of parents, would you think that a body of experienced teachers would be of very great use ?—Yes, beyond a doubt. The idea seems to strike me as a remarkably valuable one.

24269. To go to suggestion No. 3, you state that the effects of the instruction of parents would be to enable them to distinguish the effect of mental defects from laziness, idleness carelessness, obstinacy, bad temper, vicious tendencies and such purely moral defects under the control of the will or of suitable motives, and you say that this confusion as to what such young people can help and what they cannot help in their conduct leads to much cruelty and unnecessary distress ?—Yes.

24270. There is a great deal of unnecessary suffering on the part of those children where such things are not

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recognised in ordinary day schools?—Yes, and that is why the teachers should have some reasonable instruction in this matter.

24271. And it is also a reason why special schools should be established where these things are recognised?—Yes.

24272. (*Dr. Needham.*) Have you had much personal experience of the operation of the six months certificate?—Yes.

24273. Do you think that it is successful?—I think it is decidedly successful, of course always assuming suitable cases.

24274. Do you think it does prevent a good many people going to asylums who might otherwise go?—Yes, it is simply doing under the law what I take it is done in England without any legal sanction.

24275. Do you think that notification to the Lunacy Board is desirable?—No.

24276. You might tell me why?—If we could get rid of the ideas attached to lunacy and asylums and Commissioners, if we could get all these things out of the heads of the public, then I would have notification; but if you provide for notification, I believe the relatives will often not adopt it.

24277. Mrs. Pinsent suggests that a notification to the education authority would get rid of the difficulty?—No, I would not have any public notification at all, any more than for pneumonia or bronchitis.

24278. What guarantee have you that their treatment is proper if you do not know of the existence of these people? How can the Board or anyone in Scotland know that the treatment of these patients spread all over the country is what it ought to be?—This only lasts six months, and then there is always the doctor in attendance, and there is always a responsible relative who has authorised this step. I say that those things are quite sufficient to guarantee against any bad treatment.

24279. You would not be in favour of the extension of this from six months to a longer period unless in very exceptional cases?—No, I think six months gives a proper indication of whether the patient is to get better or not.

24280. There is a power to extend it somewhat?—Not the certificate. There is power to extend probation from an asylum, but not this particular certificate.

24281. It is limited strictly to six months?—Yes.

24282. And you think it ought to be limited strictly to six months?—I think it is a reasonable provision.

24283. You know that in the proposal for the alteration of the English law it is proposed that the six months should be capable of a considerable extension from time to time?—Yes.

24284. You do not approve of that?—I do not know that I have formed any definite opinion. I am content with our Scottish six months, but I have not thought it out.

24285. Now as respects boarding out: when you were in Westmoreland you had great experience, no doubt, of the English system, or want of system, by which no lunatic can be boarded out by the committee. They can be boarded out—if you can call it boarding out—if their friends apply to the committee, but the committee have no initiative?—That is so.

24286. Do you think it is very desirable that some alteration should be made in the law which would allow the boarding out of people from asylums by the committee, the committee taking the initiative?—Yes, by the committee or the parish council, or the county council, or some specially authorised authority who would follow the patients and see that they were properly dealt with.

24287. And you would have no doubt that it would be a very desirable alteration of the law in England?—It would not only be a very desirable alteration, but it would save hundreds of thousands of pounds if carried out.

24288. If the alteration were made you have no doubt that it should be an essential part of it that these people boarded-out should be supervised by some central authority?—Yes, that is the whole gist of the matter. One advantage is that our asylums which are growing so very large and unwieldy would not have to be enlarged at the same rate.

24289. You answered very fully with regard to the discharge of patients. You think it would not do at all to interfere with the discretion of the superintendent. When the superintendent has decided that a patient is recovered, then you should not interfere with him?—Except by some judicial process.

24290. You recognise, as everyone must, that there must be a certain number of people who will recover rapidly and will have recurrences frequently and will also have to be under treatment frequently?—Yes.

24291. You would treat each occurrence as a fresh attack?—That is so, except where the recurrence is frequent, say monthly. There is a medical discretion in such a case as that.

24292. You would leave it to the medical discretion?—Yes.

24293. You would not put any restriction on the discharge of patients?—As it was put to me, if there was a proved case of such a patient having been repeatedly in the asylum and repeatedly in the gaol and breaking the law, then I would court the intervention of another judicial process.

24294. I was not referring to a case of that kind; I suppose everyone would agree with you in that, but with respect to the ordinary recurrent case in which the recurrence is really a fresh attack, you would not interfere in any way with the discretion of the medical superintendent as regards the discharge of such a person?—No.

24295. (*Mr. Byrne.*) I thought you said you would call upon him to report it as a special case?—If he considered that it was a special case.

24296. (*Dr. Needham.*) There are hundreds of cases that occur every year. It has been suggested that there should be some restriction as regards the discharge of persons who have recurrences—I do not say very frequent?—I have been in a great difficulty in this respect with regard to married women who have been in the asylum through child-birth and are likely to come back again when there is another birth. I could not treat such a woman as a permanent patient.

24297. You had no guarantee that she would certainly have a recurrence?—Probably so. I am assuming an exaggerated case. I have always taken it as a rule that I had no right to keep such a case permanently.

24298. As regards restriction of the discharge, do you not think that the power to send out a patient on trial would meet the difficulty?—We exercise that power every month under the Scottish law.

24299. And you think that is very important?—I think it is extremely important. I know one institution where all the rate-paid patients are sent out on probation and the doctor adopts a very valuable process, he throws the responsibility on the inspector of poor, where that patient is chargeable, to see that he is properly looked after, and in that way you have an after-care arrangement set up.

24300. In England that would be the Union medical officer, the visiting medical officer?—Yes, with the relieving officer.

24301. In your statement with reference to the condition of modern asylums and a certain class of cases that are now more frequently under the care of modern asylums, that is to say, the senile broken-down people who could be ultimately treated in the poorhouse; you do not think that these helpless broken-down senile cases who also are physical invalids could be treated in the ordinary ward of the poorhouse?—Emphatically not.

24302. And you do not think that the asylum accommodation, which everyone is desiring to make cheaper, can ever be made cheap for the treatment of people who have got to be treated as hospital patients?—That is so.

24303. And that is the case with these broken-down old people?—Yes, that constitutes a difficulty in the case, that you require a kind of asylum hospital, and you get nothing for it in the way of hope of recovery.

24304. Do you think you could have very cheap accommodation which would provide for the nursing of this class of patients efficiently?—It is absolutely impossible. We set up separate hospital buildings in Morningside and my idea was that all the patients who came into that building

should be curable cases. They had not been in operation for six months before we were burdened with these senile cases, and my difficulty now is to get enough beds for the curable cases.

24305. What you do is to nurse them as carefully as they require to be nursed, and then you would remove them if you could to a workhouse infirmary ?—Yes.

24306. That probably would not be much cheaper than the asylum ?—I cannot tell about that.

24307. It would be cheaper as regards maintenance ?—It would not be cheaper as regards buildings if some of the things we hear about the London workhouses are correct.

24308. But it would be cheaper as regards maintenance ?—I could not tell.

24309. (*Mr. Burden.*) I see from your statement (*page 201*) that you find a large number of feeble-minded girls who come under your notice have been sexually tampered with ?—Yes.

24310. Is it a very large number ?—The greater number have been so tampered with when they come in, certified under the Lunacy Acts.

24311. And you go on to speak of it as being an extremely grave difficulty in our social life. In what sense do you use these words ? Do you mean that they are likely to give birth to a large number of children who will become in later years chargeable in consequence of feeble-mindedness ?—That is one fear, but the greater fear is that they become the lowest class of common prostitutes.

24312. What would you do with those women ?—In the earlier stages I would put such women into educative institutions for weak-minded people and keep them there.

24313. For how long ?—Some of them for many years, some for nearly all their lives.

24314. Until age prevented their having more children ?—Yes.

24315. You would like to see permanent detention of those unfortunate women ?—Yes, but of course there are cases and cases.

24316. Suppose a feeble-minded woman came into the poorhouse a second time to give birth to an illegitimate child, what would you do with her ?—I would have no more breeding of that class in the community.

24317. You would take away from them the opportunity of going wrong again by placing them under care ?—Yes.

24318. And detaining them permanently ?—Yes.

24319. (*Dr. Dunlop.*) Would you go to the length of saying that all imbeciles should be segregated and put under lock and key to prevent their breeding ?—No, where it occurs in self-respecting families the parents are the best people to see that it does not occur again.

24320. But where there is sexual perversity with imbecility there is a strong necessity for segregation ?—Yes.

24321. You spoke of the desirability of special schools for backward children. Are you familiar with the terms of the Special Schools Acts ?—No. I have only the general knowledge that I possess from a perusal of Dr. Warner's writings.

24322. You said they were specially valuable for backward children ?—Yes.

24323. Are you aware that the law excludes backward children from the special schools ?—No, I was not aware of that. Do you mean that the children for whom they were provided are excluded from them ?

24324. The children who would be benefitted from them are excluded ?—I cannot imagine that.

24325. "Defective children who are not merely dull and backward" is the definition. You cannot speak to the class of case treated in these schools ?—No.

24326. Now, regarding the question of distinguishing congenital defect from acquired defect, are you in favour of there being a hard and fast definition throughout the country, the one class being in one class of institutions and the other in another class of institutions ?—No.

24327. The asylums of the country are adapted to the requirements of the different classes ?—Yes, that is my idea, with the exception that there is a perfectly legitimate field for educative schemes.

24328. But let us restrict ourselves to the adults for the moment. You are in favour of having them brought into one complete system ?—Yes, but not necessarily one institution.

24329. The relief of the insane and of the imbeciles at present is by parishes under the supervision of the Lunacy Board ?—Yes.

24330. And there is no necessity to interfere with that arrangement in Scotland ?—No, it works well.

24331. When dealing with imbeciles, is there anything to be gained by very fine distinctions of imbeciles into various classes ? We have had presented to this Commission a series of definitions which are practically the definitions given in Dr. Mercier's handbook on insanity. You know these definitions; are they of any practical value at all ?—They are all very interesting, but I would not say that they are workable. They are exceedingly interesting. Probably every scientist has to go through the stage of constructing definitions.

24332. These definitions have been before the profession for ten years ?—Yes.

24333. But they have not been universally adopted ?—No. When I was younger I used to be rather fond of definitions. I have now largely given them up.

24334. There is one class of person to which I would like to call your attention, and that is the moral imbecile. Have you ever seen an imbecile whose imbecility only showed itself in the want of moral power and in no other way whatsoever ?—An absolute question of that kind is rather difficult to answer. I have had a very long experience of all kinds of mental defect and disease, and I rather think there are a few that would correspond with that definition, but I would say there are exceptionally few. You nearly always find an intellectual defect as well as a moral defect.

24335. At all events they are non-existent, or they are so rare as to be beyond practical politics ?—Yes. The moral defect is so great in some cases that it rather overshadows the intellectual defect, and you do not find out the intellectual defect until you go thoroughly into the question.

24336. There is an intellectual defect in all the cases ?—Yes, nearly all.

24337. Insanity exists, and that defect or insanity is not certifiable, that is to say, is not brought before us. Is it possible that a defect, whether congenital or acquired, can exist in an individual and that individual require care and treatment without being certifiable ?—If you will permit me to say so, that is a somewhat theoretical way of putting it. I should say that the word "certifiable" means that you are acting under the authority of the Lunacy Acts and using your medical discretion in so acting. Now, there are plenty of cases who are imbeciles and who should not be certified. I would put it this way, when you say "certifiable," if the doctor detects any slight defect there is no reason why he should not think the case certifiable, but we do not certify as a matter of fact. I think "certifiable" is absolutely conditioned by the two words "care" and "treatment." I would say of any case, no matter whether it were a case of weak-mindedness or a case suffering from gross delusions, that if it did not require care or treatment, it was not "certifiable."

24338. Is it possible to conceive in a case requiring care and treatment and having mental defect, that the mental defect or insanity, whether congenital or acquired, was so slight as not to justify certifiability ? The necessity for care and treatment are the test, and not the degree, of defect ?—Yes.

24339. At present there is a slight check upon certification in the shape of the risk that the medical man runs ?—Yes.

24340. And that is a point which will come up ?—Yes. It is just as great a check in Scotland as in England. It is sometimes difficult to get certificates now on account of that risk.

24341. It is a risk ?—Yes. At the present time we are under rather a scare in Scotland as regards that risk.

24342. Do you remember the practice of the magistrates in England as regards the certificates ?—No, I was in England before the present Lunacy Act came into operation; I was in England in the old times when a relative sent the patient.

**Questions 24343 to 24380.**



*T. S. Clouston, Esq., M.D. F.R.C.P.E., F.R.S.E.*

12 June 1906

24343. You are quite satisfied with the present process of certification in Scotland?—Yes, and the best proof of its value is that they virtually adopted it in England.

24344. With a big modification?—Probably according to the feeling of the country.

24345. The cases with which we are concerned are those outside the asylum, and we are concerned with this matter of discharge. That word "recovered" is extremely loose. It does not mean sane?—I scarcely agree with that. I think "recovered" should mean the capacity to take your place in society, and to do your ordinary work.

24346. Dealing with cases of imbeciles in which there is no hope of recovery, are you ever justified in discharging such cases as recovered?—No, but this is what has happened in my experience; you have a very mild imbecile, say the son of a farm worker, and he has been an excellent farm worker. In this case at the age of twenty he had a slight attack of mania; that mania passed away, and one's ideas of recovery were such that I have discharged such cases as technically recovered, because such a man was able to go back and do his work, although I knew he was slightly weak in mind.

24347. Of course, I have a knowledge of these cases from my official appointment, and I have known cases where imbecile prostitutes have been turned out of the asylums no better than they were when they went in. That is an abuse that exists at the present moment?—That is one that should not exist.

24348. And that is one that requires change?—Yes.

24349. For that purpose we have been advised that there ought to be a central institution where this power of discharge should be very strictly limited?—Yes.

24350. In fact the discharge would be somewhat in terms of Section 89?—Yes.

24351. You agree with these sentiments?—Yes, but you are passing now out of the medical area and you are setting up a *quasi* prison for the good of society. That must be thoroughly realised by the community.

24352. It would be practically an extension of the criminal lunacy policy?—Yes, I think it would be a very good thing.

24353. You were talking about colonies for feeble-minded or defective adults as distinguished from asylums. Surely some of our modern asylums are practically labour colonies?—Yes. The latest Scottish asylums, Aberdeen and Bangour, are really labour colonies.

24354. And you have a colony of your own?—Yes.

24355. So if you look upon these as modified asylums it gives us a far better idea than a labour colony?—Yes.

24356. You have had considerable experience in the appointment of *curator bonis* in those cases?—Yes.

24357. That acts very well in Scotland?—Yes, exceedingly well.

24358. And it is a procedure that does not require to be interfered with at the present moment?—No.

24359. Do you think that it should be extended to include other cases?—It is applicable to every person who has any means. You mean it should be extended to drunkards?

24360. Certainly, and to wastrels. The class of the habitual drunkard is as incapable of taking care of his own affairs as the imbecile?—Yes, he needs someone to take care of his affairs.

24361. And that is a procedure that might be taken advantage of?—Yes.

24362. Do you know about the French system?—Yes.

24363. It is fearfully complicated, is it not?—Yes, but its principle is good.

24364. Our own Scottish system is very simple?—Yes. You could get over the difficulty by the extension of the appointment of *curator bonis*. You have the lawyers and the politicians, and they cry out, "the liberty of the subject," and you never get any further. That is the great difficulty.

24365. Are you in favour of the detention of habitual drunkards?—Yes.

24366. You have come across many distressing cases in private practice?—Yes.

24367. And you can only shake your head and say you can do nothing?—That is so.

24368. It is a crying want in the country?—Yes. The British law seems to allow any man to drink himself to death if he can afford the money.

24369. And ruin his wife and family?—Yes.

24370. (*Mr. Hobhouse.*) You said in every case of feeble-mindedness that you examined you always found that there was a peg of mental weakness in the background, and in no case with which you had dealt had weak-mindedness been caused solely by environment?—I ought to have excepted the use of instruments during birth.

24371. Into how many histories of weak-mindedness had you inquired to enable you to arrive at this conclusion?—I wrote once on the nervousness of development where I had to do with cases of St. Vitus' dance, and all that sort of thing, and it was my special business to go into the family histories of all those people, to endeavour by getting at the relatives of such people to learn their histories, and in by far the greater majority of the cases I was able to get a bad family history of some kind or other, but not necessarily of imbecility.

24372. How many cases did you examine?—I must have examined a vast number, several hundred I should say.

24373. These were not cases of insanity, but cases of weak-mindedness. I had not so much to do with insanity in that investigation. I was tracing weak-mindedness to its source.

24374. And what was the source?—Heredity. If you get 80 per cent. then you can assume that the remaining 20 per cent. can be proved.

24375. You always came back to insanity?—No, epilepsy or any weakness of any kind. My investigations did not refer to insane heredity alone, but to any heredity of nervousness.

24376. What was the cause of that nervous condition, did you ever get beyond that?—No.

24377. You landed yourself in an *impasse*?—Yes.

24378. (*Chairman.*) Is there anything that you would like to add?—I show some diagrams which illustrate normal and abnormal brain cells. In one diagram you have the normal cells, in another the cells of a child at birth and in the other diagram you have the brain cells of an epileptic idiot of twenty-four whose brain cells are not so good as those of the child at birth, showing that the whole thing arises from an arrestment of growth. The one is a complete mental machine, while the other is an incomplete machine.

24379. (*Mr. Hobhouse.*) Arrested?—Yes. In regard to your last question we must have arrived at imbecility through want of knowledge and want of obeying the laws of our being.

24380. That is to say by some lapse of conduct?—Yes, and disobeying the laws of nature, physical and mental.

JOHN THOMSON, Esq., M.D., F.R.C.P.Ed., called; and Examined.

*John Thomson, Esq., M.D., F.R.C.P.Ed.*

12 June 1906.

24381. (*Chairman.*) You have been kind enough to send us a statement of your evidence; may we put it on our notes?—Yes.

STATEMENT OF EVIDENCE PROPOSED TO BE GIVEN BY JOHN THOMSON, ESQ., M.D., F.R.C.P. ED., ONE OF THE PHYSICIANS TO THE ROYAL HOSPITAL FOR SICK CHILDREN, FORMERLY PHYSICIAN FOR DISEASES OF CHILDREN TO THE NEW TOWN DISPENSARY, EDINBURGH.

During the last twenty years I have done a great deal of dispensary work in Edinburgh and have spent much time visiting in the poorer parts of the town. In the course of this out-patient visiting, I have met with a large number of mentally defective children. I have also seen a great many of them in the Children's Hospital. During the last eighteen months I have, in addition, had a special hour once a week for seeing such children in the Out-patient Department of the Hospital. For many years, I have been strongly impressed with the difficulty that the parents of such children generally have in getting assistance, however much they may need it, and with the great hardships often suffered on this account, by both parents and children.

This is the subject on which I wish to offer evidence.

When poor parents have a deaf and dumb, or a blind child there is rarely any difficulty in getting him properly taught and looked after. When, however, a mentally defective child occurs in a family and requires skilled instruction or removal to an institution for training or special care, the difficulties are, in most cases, practically insuperable. I have seen a great many instances of this. I regret that I have seldom taken notes of this aspect of the cases, and that I have consequently very few detailed instances to lay before you.

There are, of course, a large number of mentally defective children among the respectable poor, as among other classes, for whom no outside help is desirable. It is also true that many parents are so attached to their defective children that they cannot be induced to let them go to any institution. This is by no means always to be regretted, for the drawbacks of unskilled teaching and training are often much more than compensated for by the inestimable advantages of family life and mutual affection. There remain, however, a large number of these children for whom there is a crying need for outside help of some sort. This need may arise from reasons connected either with the children's welfare or with that of their parents.

Some of these reasons may be enumerated as follows:—

(A.) ON THE CHILD'S ACCOUNT.

1. *Unkindness at home*, as in the case of the illegitimate (or other) children of bad women.

2. *The impossibility of getting liberty* in their home surroundings for healthy occupations and exercise and fresh air.

3. *The impossibility of getting training* at home that will occupy their energies and turn them from mischievous into innocent and happy channels.

4. *Inadequate protection* from the injuries inflicted on them by unscrupulous persons.

(B). ON THE PARENT'S ACCOUNT.

1. *Too exacting demands on their time and energy on* the part of an idiot child who causes an unjustifiable interference with their earning a livelihood and with the training of their other children.

2. *The constant anxiety caused to the parents* by a child's living in the home when circumstances make it impossible to keep him or her under safe control. (Mischief; injury to younger children; fire-raising; injury to child himself in a fit; dangers of immoral conduct, etc.)

I may illustrate what I mean by referring shortly to some classes of these cases that are often met with in practice.

SOME CLASSES OF CASES FOR WHOM FURTHER PROVISION SEEMS NECESSARY.

1.—*Young Children who are Completely Idiotic*, who do not even know their own mother's touch, who often take frequent fits, or scream continuously night and day when they are not asleep. Such a child is a terrible affliction in any household. Among the poor, he not only wears his mother out, but also prevents her from working for her livelihood and from looking after her other children. When the parents have not the means to pay for assistance in looking after such a child, it should certainly be possible for them to get him into a custodial institution. At present it is absolutely impossible for them to obtain any relief whatever of this sort.

2.—*Imbecile Children*, who are altogether unfit for ordinary school lessons but are able to go about freely. Many of these would benefit greatly from the skilful training and intelligent supervision of an institution. At home they go steadily downwards and learn all sorts of undesirable ways, besides interfering greatly with the work of the house. It is very bad in many ways for such children to be confined indoors, and yet they cannot be allowed to live on the streets without a certainty of rapid deterioration.

A very important group of imbecile children are those who are mischievous and dangerous. Such children are apt to get more and more troublesome amid the aggravating but necessary restraints of home life. Many of them improve surprisingly and permanently in a well-ordered imbecile institution. It is, therefore, most important to get them there.

As has already been pointed out to the Commission the institution accommodation in Scotland for imbecile children is altogether inadequate.

It is also well-known that the proceedings necessary in order to get poor children admitted to those institutions which exist are deplorably unsatisfactory.

At the present time when it is decided that an imbecile child of poor parents is a suitable case for institution treatment, and the parents desire to have him admitted, two courses are open to them and their friends. They must either (1) endeavour to have the child taken into the Larbert Institution as an "election case," or (2) they must apply through the Parish Council office, telling at the same time how much they are able to pay towards the child's keep in an institution.

The former way of admission (by election) is, practically, only open to such poor persons as have influential friends who are willing to take a considerable amount of trouble and expense in the matter. These friends have to solicit votes from subscribers to the institution all over the country, and only if they do so successfully is the admission of the child assured.

In endeavouring to get the child admitted through the Parish Council great difficulties are often met with. Sometimes when the case is a dangerous one and the parents are destitute, the child is removed more or less promptly. If the parents are respectable working people, however, it is much more difficult, because the authorities generally demand so large a proportion of their entire income, that the proposal is regarded as prohibitive and the negotiations promptly brought to an end.

The following case will serve to illustrate this point:—

*Case.* James B., æt. seven years, was the eighth child of intelligent and respectable people. He was an imbecile of a rather low grade, unable to speak or to do anything useful for himself. He was strong and active and very restless, especially during the night, and he slept very little. He was dirty in all his habits and exceedingly mischievous, being especially fond of throwing all sorts of things into the fire and playing with razors, etc. His mother was getting worn out with looking after him. I advised his being sent to an institution, and the father went to the Parish Council Chambers to make inquiries. He was told by the authorities there that in order to get the child admitted to an institution he must pay £30 a year. He said that this was beyond his means and offered £10 a year. This offer was laughed at and he was told to go away. At that time Mr. B., who is a working carpenter, was making not more than 28s. a week, and three of his older children were bringing in 12s. a week among them. Out of this £2 a week he had to keep himself, his wife, and six children, besides supporting his aged mother, who was quite dependent on him. As the parents could not

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provide the required £30, the child remained at home till he died a few years later from measles.

I should like to suggest that it ought to be made obligatory on parish authorities to remove suitable cases to an appropriate institution, even when the parents can only pay a small amount. In the case of pauper lunatics the inspector has to answer to the Lunacy Commissioners if he does not have them properly looked after. In that of mentally defective cases there is no such obligation at present. I think that there should be.

3. *Young Children with Lesser Degrees of Mental Defect.*—There are a considerable number of such children who go regularly to school, but learn practically nothing from the ordinary class lessons. Many of these would be benefited by special classes in the board schools such as are now being carried on in many other towns, or by institution treatment.

4. *Epileptic Children,* whose mental condition is little, if at all, affected. This, especially among the poor, is a most pitiable class. The following is a typical example:—

*Case.*—Mary M., the child of a labourer with four other children, who earns irregularly 25s. a week. She began at the age of four years to suffer from slight epileptic attacks (*petil mal*); and since she was eleven has had frequent severe seizures also. She is now eighteen, and has never learned any lessons, as, after a week at school, her name was "taken off the books," on account of her fits. She usually stays at home all day, assisting her mother with the house work. She cannot be left alone in the house as she is apt to fall into the fire, and she can only go out when her mother goes with her. She seems to spend almost all her time in two little dark rooms.

Such cases as the above would be very greatly benefited by being sent to an epileptic colony or some such institution. There is, however, at present no adequate provision of the kind for young sane epileptics from the poorer classes.

5. *Returned Institution Cases.*—Children who have been discharged from a training institution, either because they have been there for the statutory five years or because they are past eighteen years old, are often found in a miserable state in their homes. During their long absence in the institution their place in the home has been filled up, and the other children are unused to their ways and are inconsiderate to them. They miss the regulated freedom to which they have been accustomed and the encouragement and equal fellowship of institution life. They are laughed at and bullied, and led into mischief.

Some suitable institution or colony is greatly needed for the permanent care of such children.

6. *Weak-Minded Girls Past Puberty,* who are healthy and more or less normal in appearance. This is a class which urgently requires consideration and relief. When the parents of these girls are poor they often cannot possibly provide for their proper supervision, and the girls are consequently almost certain sooner or later to be led into mischief. This happens even when the parents are most respectable and anxious for the best interests of the child. Many of this class are capable of regular and remunerative work which would be extremely good for them—apart from the question of money. They cannot, however, be allowed to undertake it because they cannot be trusted to take care of themselves in the society with which they would have to associate at the works and on the way there.

The following cases may be given as illustrations:

*Case.*—Maggie S., æt. twenty-one, is one of four children of respectable parents. Her father is a shunter on the railway, earning 30s. a week. She has always been dull and backward and never got beyond the first book at school. She cannot read, but can sew a little. She is cleanly in her habits and can do housework quite well when she is willing. In appearance she is rather undergrown, but not noticeably abnormal. Some years ago some of her companions put foolish ideas into her head about being "her own mistress," "not her mother's servant," and so on. Since then, she often refuses to help her mother and insists on going out when she likes. If kept in, she screams and is very unruly and complains to the neighbours. The mother has recently, from the window, seen her on the street, speaking familiarly to a man she did not know.

Her parents are extremely anxious about the girl, and would like to send her to any place where she could be kept safe from the dangers to which her want of sense expose her.

*Case.*—Annie W., æt. nineteen, is the only (adopted) daughter of a working class couple, and has been under my observation since she was an infant. She is an imbecile and has never been able to do any lessons. Two years ago, when she was seventeen, Mrs. W. consulted me about her because she was becoming foolish in her conduct with men and, as there were several lodgers in the house, there seemed to be a danger of her getting into mischief. I recommended that application should be made to the Parish Council Chambers. When this was done the case was investigated by an inspector and a medical man. These gentlemen on hearing that the girl was not known to have committed any moral offence as yet, reproved her guardians for having made a premature application. They said that it would be time enough to apply when the girl had gone wrong. She went wrong on several occasions within the following year. At the time the application was dismissed the child, though seventeen years old, could not dress herself.

I would suggest that there ought to be a residential Home or colony where such girls as these could be given work under safe conditions; and that some authority should have special powers to place them in such an institution if their parents desire it, or if they are either unable to look after them, or have shown wilful neglect.

24382. (*Dr. Dunlop.*) With regard to the custodial care of children, your view is that in every case there should be some distinct reason for granting that care?—Yes.

24383. The public funds should not be taxed by looking after all cases, cases which can be looked after at home?—That is so.

24384. But you think it is proper to use the public funds for looking after cases that require care and treatment?—Yes.

24385. You have had a large experience of this class of case?—Yes.

24386. Both in hospital and dispensary work?—Yes.

24387. You have experienced great difficulty in inducing parish councils to take care of cases?—Yes.

24388. You mention one where a working man was requested to pay £30 a year, and they laughed at him when he would not do so?—Yes, and I have seen several similar cases.

24389. Do the parish councils, so far as you know, justify their action in any way? Have you ever discussed the matter with the inspector and asked how he justifies his action?—I cannot say that I have.

24390. At all events that is a fact?—Yes.

24391. There is the very greatest difficulty in getting custodial care for cases which do require it?—Yes.

24392. These are not mild cases, but cases where the care is urgently required?—Yes, that is my experience.

24393. You will agree with previous witnesses that we want greatly increased imbecile asylum accommodation in Scotland?—Yes.

24394. In fact, it wants to be a compulsory duty under poor relief, the same as the care of the lunatic?—I think so.

24395. Regarding special classes for cases which can be improved by education without custodial care, do you think that the number of such cases is large or small?—I think it is pretty large. Of course there are a great many of these cases which might be better for custodial care, but for some reason or other there is great difficulty in getting them into institutions, or in getting their parents to permit their being taken away. Many of these cases might be greatly benefited, I think, by day schools of some sort and special classes.

24396. But granted increased asylum accommodation for the treatment and care of these cases and the compulsory reception of such people by the parish council, do you think the necessity for special classes would continue?—I think they would be extremely useful.

24397. For what class of case ?—For those slightly defective cases and the class of case that is found to benefit most at present, the slightly defective and the backward.

24398. Rather than the genuinely defective ?—Yes.

24399. The dull and backward are excluded from the benefit of these schools ?—Theoretically.

24400. And practically ?—No. I understand they are taken in, according to the evidence of Dr. Ashby and others.

24401. You have not much direct experience of them ?—No.

24402. There are none of these schools in Edinburgh ?—No.

24403. Theoretically the Act is faulty in that it excludes the backward children ?—Yes.

24404. Did you hear Dr. Clouston talk of cases of delayed development ?—Yes.

24405. Have you in your experience seen many such cases ?—I have seen some.

24406. They are very exceptional ?—They are rather exceptional in my experience.

24407. Regarding epileptic children, you are aware of the fact that from many of the ordinary imbecile asylums epileptic children are refused or excluded ?—Yes, to a large extent.

24408. They make difficulties as regards their reception ?—Yes.

24409. Is that a right state of affairs ?—I think there should be suitable accommodation for them; I think it is urgently needed.

24410. Is it your experience that epilepsy in childhood, and imbecility, so frequently go together that it is not possible to divide them into two classes ?—I think there is a class of children who are not imbecile, but who are epileptic. Many of them, as Dr. Ireland said, are decidedly peculiar, but there are very many of them who are not imbecile.

24411. Take those who are distinctly defective and epileptic, should they be dealt with together with the other children or separately ?—I think if they have a great many fits it makes it undesirable to associate them very closely with those mentally defective children who are not taking many fits. Besides if they are having many fits in most cases their brain power will be deteriorated, and the careful instruction which is good for other children may in some cases be bad for them. I therefore think that there ought to be some restriction as regards their mixing with the other children.

24412. At Larbert 30 per cent. of the cases are epileptic, and the medical officers have expressed the opinion that they are never safe from an epileptic fit. That being the rule, and the experience in an imbecile asylum, do you think it is right to exclude epileptics ?—In talking of epileptics you have to define what you mean, to a certain extent, because the epileptic children that one meets with among the poor or elsewhere who have epileptiform convulsions, may be divided into four classes: there are those who have the convulsions owing to some chronic disease of the brain; there are cases of what is called simple primary amentia, or congenital mental defect; then there are a smaller number of children who have epileptic attacks, as the result of some physical disease, such as some disturbance of the alimentary tract; and, lastly, there are the idiopathic epileptics. The answer to your question depends partly on the class to which the case belongs.

24413. When you have mental defect present along with epilepsy, should that be treated differently from the cases of mentally defective children who are not supposed to be epileptic ?—I think the fact of a child's taking fits has to be taken into consideration. A child who is taking many or severe fits should not be treated in the same way as a child who is not taking fits.

24414. About the sane or mentally perfect children who suffer from severe epilepsy ? Are there any such children ?—I think so, but they are comparatively few. The great majority of those children who are suffering severely from idiopathic epilepsy are either dull and stupid or mentally peculiar.

24415. The vast majority ?—The majority, the large majority I should say.

24416. Have you ever visited any epileptic colonies ?—No.

24417. So you cannot talk about the class of inmates there ?—No.

24418. From your experience in hospital and dealing with a very large section of the community of Edinburgh, you say that the number of sane epileptic children whose epilepsy is so bad as to require custodial care is very small ?—I think that only a small number require custodial care on account of epilepsy only.

24419. (*Dr. Needham.*) I gather from your statement that you think it desirable in the interests of the population that institutions should be founded in Scotland somewhat of the nature of Earlswood and other idiot asylums into which admission should be secured, not by election, but by the order of some Poor Law authority or some other authority ?—Yes, extremely desirable.

24420. And there ought to be State institutions established and maintained by the State, not maintained by local effort ?—I think so.

24421. Do you suggest that there should be residential Homes for girls ?—Yes.

24422. And also for boys ? What sort of employment would you find for them ? Would you make them educational or working colonies ?—Working colonies, I think.

24423. For boys and girls ?—Yes.

24424. They would be established, perhaps not in the first instance by the State, but by the local authority with State supervision ?—Yes.

24425. I suppose you would think that the other institutions should be established by local action. I do not mean by local charitable action, but I mean established by an authority which is not charitable ?—Yes, I think charitable resources are not sufficient for that.

24426. And they are not likely to be sufficient in Scotland ?—No.

24427. (*Mr. Byrne.*) I have only one question to ask you, as your statement is so full. You say, "I should like to suggest that it ought to be made obligatory on parish authorities to remove suitable cases to a proper institution, even when the parents can only pay a small amount." That relates to the mentally defective ?—Yes.

24428. What procedure would you suggest in Scotland for the purpose of applying that compulsion ? Would you have the parents go before a magistrate or some such person like that and get an order ?—I do not know very much about the ways in which these things may be done. I understand that in the case of a pauper lunatic who requires looking after, if that case is reported, it goes to the Lunacy Commissioners and they see that what is right is done.

24429. At the present moment the lunacy authorities have nothing to do with it ?—Nothing, I understand.

24430. The parent goes to the Guardians and says, "I have a daughter who is a very great trouble at home; she is feeble-minded, and there is a danger of her getting into trouble with young boys; I want her taken to a feeble-minded institution." The Guardians say, "All right; you pay £28 a year," and the parent says, "I cannot." Your advice is that the Guardians should be compelled to do it and make the parent pay what he can afford, having regard to the rest of his family ?—Yes.

24431. What sort of system would you suggest as a convenient way of doing that, and a way that would approve itself to public opinion ?—I am afraid I have not thought of that. I do not have much to do with these official proceedings.

24432. The question arises very acutely in England, too, and we have to meet it in some way ?—I am sorry I am not qualified to express an opinion.

24433. (*Chairman.*) Is there anything you would like to add ?—No.

A. R. URQUHART, Esq., M.D., F.R.C.P.F., called; and Examined.

*A. R. Urquhart, Esq., M.D., F.R.C.P.E.*

12 June 1906.

24434. (*Chairman.*) Would you please tell us how long you have been in James Murray's Royal Asylum, Perth?—Twenty-six years.

24435. You have been so kind as to give us a statement of your evidence: will you allow us to put it on the notes?—Yes, certainly.

STATEMENT OF THE EVIDENCE PROPOSED TO BE GIVEN BY A. R. URQUHART, ESQ., M.D., F.R.C.P.E., PHYSICIAN TO JAMES MURRAY'S ROYAL ASYLUM, PERTH.

DEAR SIR,—I now submit statement of the evidence proposed to be given by me before the Royal Commission on the Care and Control of the Feeble-minded at Edinburgh on the 12th June next. I also enclose a print relative to Scottish lunacy law, and specially in reference to Interdiction. I have not burdened my statement with matters which perhaps already sufficiently have occupied the attention of the Commission. However, if it be desired, I am prepared to refer to the following matters as having come within the range of my experience:—

1. The heredity of insanity and allied conditions, with illustrative charts.

2. The feeble-minded and defective children of Perth in relation to school attendance.

3. The results of the three industrial schools of Perth, dealing with unfortunate and neglected and criminal children.

4. The relation of crime and insanity or feeble-mindedness in prisons and asylums, and the unsatisfactory present conditions.

5. The relations of pauperism in a suburban parish and in the Perth poorhouse—which has wards licensed for insane patients.

6. The relations of the Perth Royal Infirmary with feeble-mindedness.

7. The care and control of habitual drunkards in observation at Murray's Asylum, and in private care.

8. The treatment of incipient insanity in private care, and in general hospitals.

9. The discharge of certified and voluntary patients from asylum care. The importance of probation or pass previous to discharge.

I also enclose an address on the heredity of insanity, indicating certain excerpts which may be of sufficient interest to be entered on the minutes.

Yours faithfully,
A. R. URQUHART.

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GENERAL CONSIDERATIONS.

The scope of the enquiry is wide, and it involves legal and medical questions of intricacy. My experience of epilepsy in Scotland is limited, and reference to this subject is therefore omitted. Idiots are so deeply affected by their incapacity that the questions arising under this subject are mainly in reference to administration, the need for further accommodation, and continuity of control. Lower-grade imbeciles may be similarly regarded. Higher grade imbeciles, the feeble-minded and defective, are not adequately dealt with under existing conditions in Scotland. Habitual drunkards, habitual offenders, tramps and beggars, prodigal and facile persons are not effectively controlled. A revision of methods, and a wider conception of the duties of the State are necessary; and I submit that for recovery or reformation, for improvement, or for the avoidance of hardships and dangers, further legal enactments and additional public expenditure are demanded.

I agree in the main with Lord Auchinleck—"I like factors *loco tutoris*, for they serve for hire, and consequently better than those who serve for conscience sake." That is to say, I am of opinion that the solution of the difficulties of adequately providing for the defective classes lies rather with the State than with philanthrophy, in the reform of law and expenditure, towards which recent benevolent work has led. For instance, there is in Perth a house of refuge for destitute men, where endeavours are made to induce work in return for food and shelter; but the actively philanthropic aid so carried on merely touches the fringe of the question. It merely indicates the method which Belgium has adopted at Merxplas. There are other institutions in Perth, such as the Fechney Industrial School, which may be safely left to local philanthropic management, assisted by Government grants. Indeed, this school may be cited as an example of the regenerative effects of appropriate education and environment on the waifs and strays of social wreckage. The Commission has had indications of the trend of Scottish opinion as regards great institutions, and I trust that this statement will not be taken as a plea for sweeping all the defective persons of the country into vast establishments, however carefully conducted. In so far as possible, the Home should be preferred to the barracks.

IDIOTS AND IMBECILES.

The accommodation for the early treatment of these classes in Scotland is not adequate. The institutions at Larbert and Baldovan have done admirable work, and receive the children at moderate rates, but they both require increased financial support, and should be supplemented by other similar establishments. It is difficult for those of the lower middle class to pay even the £28 yearly charged at Baldovan. Naturally, there is an institutional preference felt for cases educable or partially educable, as being those for whom something can be done. The lower grade idiots are unresponsive and most trying to the staff, and yet it is essential that they should be cared for by skilled persons in suitable surroundings. It is also felt that they should be housed in separate pavilions. In fact, the position is analogous to the presence of senile cases in county asylums. Generally, however unwelcome they may be, it is difficult to propose more appropriate treatment. It has been long felt that idiots and imbeciles should not be introduced into the wards of county asylums, and special buildings have been erected for them at Warwick and Northampton and more lately at Lenzie. It would appear to be desirable that Scottish districts should unite in combination districts to provide accommodation for this class.

FEEBLE-MINDED CASES.

I generally accept the definitions proposed by the Royal College of Physicians, London, for the purposes of the Commission. It will be understood that these definitions cannot be regarded as *watertight compartments*; that inevitable gradations and combinations must give rise to difference of opinion in individual cases; that in consideration of mind, mobile and elusive in its manifestations, an exact code cannot be formulated. Of course, pronounced insanity or conspicuous mental defect offers no difficulty, but we are well accustomed to honest difference of legal and medical opinion and questionable findings in our courts of law.

It is laid upon the medical profession to certify persons of unsound mind for care and detention, and consequent upon careful execution of this duty great wrongs have been inflicted upon individual members of the profession and upon the profession generally. A recent case in Glasgow resulted in the imposition of about £1,000 on the two physicians who successfully defended themselves. Having regard to such incidents, any proposal to widen the basis of certification must be guarded by appropriate exemption from retaliation. I submit that there is no better procedure than the even-handed administration of our higher Courts of law. Proposals have been made for the appointment of medical assessors, and these are, in my opinion, entirely unnecessary. It would appear that the questions arising in respect of the validity of a will, for instance, can only be legally and finally settled on the production of all the available evidence, for the consideration of a judge skilled in sifting evidence.

The Commission has been informed that cases of unsound mind are certified by two medical men as proper persons for care and treatment before the sheriff can

grant his order authorising transmission to the asylum. My patients are drawn from the middle class, and I have no hesitation in explaining to those who feel aggrieved that the sheriff has made his order, or in sending any letters they may address to the sheriff. In these circumstances the sheriffs of Perthshire have repeatedly visited patients in Murray's Asylum, and this practice of continuing a usage which was formerly the sole enactment in this respect is reasonable and valuable.

The Commission has also been informed that *Curators Bonis* (Committees of the Estate) are appointed by the Court of Session or by the Sheriffs on production of medical evidence of the incapacity of parties, the Sheriffs dealing with small estates at moderate cost.

I submit that the slighter cases of feeble-mindedness might be similarly dealt with. The French *conseil de famille* has been suggested to the Commission as a preliminary step to the protection of the feeble-minded. That exists in a potential form in Scots' Law. A curatory petition bears the names of the various members of the family, with their relationship and domicile, and the petition is served upon all named and accessible. Some further regulation of this procedure would be required in the more disputable case of feeble-mindedness. It would appear that an attested history of the circumstances leading to the family council, and similar medical opinion, should be submitted to the Sheriff in Chambers and that his order for control and protection should proceed upon the evidence so submitted. No doubt a right of appeal to the Court of Session would be desirable.

The Commission will have observed that the *Curator Bonis* is *Committee of the Estate*, while the *nearest male agnate* is generally the *Committee of the person*, if one may be permitted so to translate. But the nearest male agnate is not always the most appropriate guardian, and although the curator has the power of the purse, and may obtain special powers from the Court, it is apparent that there should be room for the selection of a guardian to the person.

The old Scots' Law relating to *interdiction* in cases of facility or weakness permits of the appointment of *interdictors* by the Court of Session. It has fallen into desuetude for various reasons—it merely deals with heritage, and is liable to being rendered futile in various ways. I submit that a revisal of this law would be appropriate to the feeble-minded, and would form a groundwork for that separate consideration of the feeble-minded which is desirable.

Appended is some account of these matters, prepared for Dr. Hack Tuke's Dictionary of Psychological Medicine.

It will be observed that the Ancient Scots' Law deals with the fatuous and the furious. In process of time finer distinctions have been drawn, and I understand that the Commission is now dealing with the fatuous, recognising the wider application of the term necessitated by the complex of modern sociological conditions. The Scots' Law regards an idiot as a perpetual pupil, and it apparently follows that the feeble-minded should be included in that category, and that indeterminate sentences should be the rule for habitual offenders. The Scottish Lunacy Acts authorise an indeterminate order; the Sheriff's Order in Lunacy is maintained for three years after it has issued, but it is continued thereafter year by year on certificates that detention is necessary for the personal or public welfare. Similarly an indeterminate sentence of Court should be maintained only on cause shown.

### Habitual Drunkards.

The habitual drunkard who keeps clear of the police is at present permitted to ruin himself and his family, and my experience is that the friends are shocked and dismayed to find that the law is so ineffective. Of course those who suffer thus, suffer in silence. The public ear is not reached. I submit that habitual drunkards should be liable to be treated as feeble-minded. There are grave difficulties in this matter, but they are of such a nature as would best be left to individual consideration. For instance, it is generally conceded that a person who is drinking to excess, neglecting his business, and deteriorating mentally and morally and physically, should be placed under control. But it is not quite clear that a person getting drunk regularly on Saturday night, working and maintaining his family during the week, should be relegated to a reformatory. I submit that the method of dealing with the feeble-minded is applicable to all cases, and that the individual results may safely be left to the Sheriff.

*A. R. Urquhart, Esq., M.D., F.R.C.P.E.*

12 June 1906.

### With regard to Expense.

This part of the remit affects me more as chairman of a suburban parish council than as a physician. There is a tendency to move for equalising of rates, and to call for State assistance in meeting parochial burdens. One cannot but admit that the custodial care of the feeble-minded, the special treatment of defectives, the reformatory control of habitual offenders, necessitate a generous State administration. I believe that the relief of the poor in Scotland is satisfactorily granted by the parish councils; but one can foresee that unenlightened parochial management would recoil from a large scheme unassisted by State subventions. The Commission will have noted that Scotland has no able-bodied paupers; the parish councils deal with the wreckage. If they could be brought to recognise, as they must in time see, that the present treatment of the habitual offenders, of the "ins and outs," and the drunkards and loafers, is fundamentally wrong, profligate, and ineffective, a hardship and a danger, I have little doubt that improved methods would be welcomed and developed. We have in the administration of the district asylums and the boarding out of insane a system of local charges and State aid. I am of opinion that this fortunate combination indicates the best method. It indicates that custodial care should be institutional or private as may be most appropriate, that State aid may safely be granted in partial relief of local burdens.

### Authority.

The relations of feeble-mindedness are widespread. Law and medicine must join hands in the development of modern ideals. The doctrine of partial incompetence and partial responsibility has been recognised in Scotland; partial responsibility may not stand in bar of trial, or exempt from punishment, but it may reduce the offence from a higher to a lower category—from murder to manslaughter. This important consideration has been given effect to repeatedly in our Courts.

There is a class of persons unfit for prisons and unfit for asylums. I believe that the medical interest is predominant, yet the legal interest is definite and undeniable. It is not suggested that reformatory colonies for the feeble-minded will be as restorative as the general hospitals of the country; but they would do much to free our streets from rampant vice, to deter from vicious courses, to rescue the submerged, and to guide into habits of steady employment those who are educable.

One cannot but recognise that there is a certain stigma attaching to all forms of custodial care necessitated by weakness or wrong doing. That is the reverse of the shield, the inevitable drawback attaching to all forms of human endeavour. I recognise that the stamp of Merxplas hinders a return to ordinary industrial life, or at least interferes with success; I gathered that the recidivist was the rule at Merxplas; but, in spite of these manifest disadvantages, I submit that some such institution or institutions are urgently required in Scotland for the appropriate treatment of these persons. I am not unmindful of Elmira and the admirable work of Mr. Brockway in dealing with young criminals in the State of New York.

My experience in asylum life has been in favour of breaking up densely populated establishments, and in favour of providing variety of accommodation, and it is particularly gratifying to find that Mr. Hine, whose great experience in designing modern asylums must be well known to the Commission, is in favour of simpler construction, a greater land area, and a more homely entourage for the mentally afflicted than we have been generally accustomed to. The later developments of asylum architecture in Scotland have been on these lines, and I see no insuperable difficulty in making arrangements for the feeble-minded, the vagrant, the drunkard and the habitual offender, possibly at no greater cost than is caused by our present ineffective and unenlightened system.

A. R. Urquhart.

**Question 24435.**



*A. R. Urquhart, Esq., M.D., F.R.C.P.E.*

12 June 1906.

EXTRACT FROM "DICTIONARY OF PSYCHOLOGICAL MEDICINE." EDITED BY DR. D. HACK TUKE, 1892.

SCOTTISH LUNACY LAW.

From the earliest records it would appear that the Sovereign was the natural and legal guardian of the insane. The ward and custody of the property of lunatics were deputed to tutors, appointed after cognition by inquest. These were selected as being kinsmen of lawful age, men of judgment, discretion, and rule. By a statute of Robert I., in the beginning of the fourteenth century, the custody of persons of furious mind was devolved upon their relations, and, failing them, upon the sheriff of the county. According to Sir Thomas Craig, there was a distinction between the "fatuous" and the "furious." The custody of the former was committed to the nearest agnate (nearest male relative on the father's side), while that of the latter belonged to the Crown, as having the sole power of coercing with fetters. Legal procedure was more definitely settled by the statute of 1474, cap. 67, which was amended by the Act of 1585, cap. 18, and these statutes continued to regulate the appointment of *tutors-at-law* until 1868, when the Court of Session Act (31 & 32 Vict. cap. 100) was passed and provided for *cognition of the insane.*

Another class of guardians to lunatics are termed *tutors-dative.* This process has fallen into disuse for many years, and has now merely an antiquarian interest.

*Judicial factors* or *curators bonis* are at the present time by far the most important functionaries in this department. They are appointed by the court of Session or by the sheriffs under the regulations for *curatory of the insane.* The practice seems to have originated in the *nobile officium* inherent in the Court of Session as the Supreme Court of Equity in Scotland. The nomination of judicial factors has now practically superseded the more ancient procedure, so that the cumbrous and costly process of cognition has become almost extinct.

There is another remedy provided by the law of Scotland for the protection of silly, imbecile, or facile persons who are lavish, improvident, or careless in the management of their property. This procedure is called *interdiction,* which has been defined as "a legal restraint laid upon those who, either through their profuseness or the extreme facility of their tempers, are too easily induced to make hurtful conveyances, by which they are disabled from signing any deed to their prejudice without the consent of curators, who are called interdictors." Interdiction may be either (*a*) voluntary or (*b*) judicial.

(*a*) *Voluntary Interdiction.*—This was of frequent occurrence in ancient times. An Act passed in 1581 regulated it in some measure, and it was formally sanctioned in the seventeenth century. Voluntary interdiction proceeds upon execution of a deed, or bond of interdiction, narrating the weakness of the granter as the cause, declaring confidence in persons to be named (the interdictors), which binds the party not to alienate "his lands, teinds, heritages, annual rents, life rents, reversions, tacks or others; nor to grant dispositions or assignations, nor bonds, obligations, or contracts; nor to become cautioner for sums of money, or to perform acts and deeds" without the concurrence of his interdictors. There must be a valid cause, or the deed may be set aside by the Courts. Prodigality and injury to the family must be conjoined with mental weakness and facility. *But the cause may be scarcely referred to in the bond.* It is imperative that the bond be recorded in the register known as the "Books of Council and Session," whereby it is held to be published to the lieges and made patent to all.

(*b*) *Judicial interdiction* is obtained by decree of the Supreme Court, after proof being led as to the facility and weakness. In modern practice, the relations may institute proceedings for interdiction when the defects of the *prodigus* are not sufficiently marked for cognition or curatory. Or it may proceed from the *nobile officium* of the Court themselves, when they perceive that a party to any suit before them is liable to imposition, from an extreme profuseness and facility of temper. This not being an *actio popularis,* neither the Lord Advocate nor the public can interfere. The summons states that the person is "of weak and facile disposition, easily imposed on and liable to do deeds to his own lesion and prejudice." The Court will name interdictors without whose consent there would be no power of alienating heritage or of contracting debts, if the action be unopposed. If the Court proceeds to proof, the defender must appear; and, if the interdiction is granted, it is published and registered. The interdictors must be of perfect age and sane mind. They have no trust, no management. Their duties are rather negative than positive, as they do not originate deeds, but merely adhibit their consent. The interdiction terminates by sentence of Court; by death; if statements in the original deed are false; if reconvalescence can be declared. Voluntary interdiction cannot be recalled by the person interdicted without the consent of his interdictors, and if there be a failure of a quorum of these he must apply for others. But there are so many exceptions and limitations to the bond of interdiction, that it is not often in use. For instance, it only affects heritage and no other property. Rational and onerous deeds, moderate and reasonable tradesmen's accounts are also excepted. Moreover, the whole system of interdiction may be rendered futile by imprisonment for non-payment of debt*—for the Courts will not grant relief, although the party interdicted may have to burden his lands.

Besides these remedies, which have reference, chiefly, though not exclusively, to the future protection of persons of deficient capacity, a retrospective remedy is provided by the action of *reduction* on the ground of insanity, or idiocy, or facility fraud and lesion as the case may be. And this last remedy seems to reach all those causes by which an individual may be injured by the weakness of his intellect, even where the defect is not so grave as to render him a proper subject for curatory or interdiction.

We have seen that it was the policy of the law of Scotland, from a very early period, to entrust the persons of lunatics to the care of their relatives. This policy in a modified form is continued to the present day. As a general rule, the law takes no special cognisance of insane persons, unless their seclusion or protection is necessitated, or their property is endangered.

A. R. URQUHART.

OBSERVATIONS ON THE HEREDITY OF INSANITY.

(*From the Records of* 1,104 *Cases representing* 886 *Persons*)
*By A. R. Urquhart.*

I very much doubt whether the *neuroses* issue in insanity to the extent which is often asseverated. The lower depths are frequently manifest in the families of the insane, but in these observations I have recorded only the graver forms of *neuroses.*

Eccentricity is quite another matter. The occurrence of eccentricity—decided oddity of conduct—is a sign of definite mental aberration. The person so affected is really insane: he cannot adjust his conduct to his environment.

Epilepsy is still comparatively infrequent in Scotland, and among the middle classes specially rare. The chronic infections of tubercle and syphilis are also in evidence in this relation. As to tubercle—in 886 persons admitted, tuberculous disease occurred in the families of 96 males and 82 females, a total of 178—I find that there were 259 relations so affected, 130 males and 129 females, but it is not clear that this is a greater number than would have occurred in the general population. The number of deaths from tubercle recorded was 14 out of a total number of 172, being 8·1 per cent. The number of tuberculous persons under treatment was 36, and tuberculous disease was noted in the families of one-third of these persons, 33·3 per cent. Dr. J. C. Dunlop has kindly considered these figures, and concludes that they are insufficient to prove that the true death-rate from tubercle is actually less than that for Scotland.

The heredity of syphilis is an impossible inquiry in my experience. It is only in the rarest circumstances that we can discover it. The intoxications (exotoxic), of course, find large room in our records. Alcoholism is widespread, opium much less common, and lead is entirely absent from these family histories.

* But see Debtor's Act 1880 (43 & 44 Vict., cap. 34); and Civil Imprisonment Act 1882 (45 and 46 Vict. cap. 42 ).

*A. R. Urquhart. Esq., M.D., F.R.C.P.E.*

12 June 1906.

Diseases of obscure causation—rheumatism, gout, and diabetes—have not been so thoroughly studied in the inheritance of insanity as is necessary. They are all reported, but the exact incidence requires a wider investigation. Diseases of the kidneys are by no means uncommon, and I have noted their occurrence as well as the prevalence of cardio-vascular degeneration.

Paralysis is of definite importance, and it is stated as having occurred in 191 relatives of the patients observed. The degenerative changes issuing in paralysis may or may not be causative of insanity, but it is apparent that the frequency of this condition demands special attention.

One word as to cancer: Seventy relatives were affected by cancer, but few deaths occurred in the asylum. The statistic stands thus: In 886 persons admitted, cancer occurred in 3 cases, being 1·7 per cent. of the whole deaths. Cancer was recorded in the ancestry of 60 patients, affecting 70 persons. Dr. Dunlop informs me that these figures indicate that the rate for cancer is less than the rate for Scotland, and that cancer is less common in Murray's Asylum than in Scotland generally.

During twenty-five years I have had 1,104 cases under care, representing 886 persons; 623 of these persons were hereditarily predisposed to insanity, eccentricity, *neuroses*, paralysis, or alcoholism, while 394 had a distinctly insane heredity. During the last ten years 375 persons under care showed neurotic and insane heredity to the number of 304, while the heredity of insanity occurred in 180 cases.

These figures include voluntary patients as well as certified. Table I. gives a detailed statement of these classes separately. Of late years there has been an increasing disposition to avoid certification, and it will be observed that the hereditary tendency to insanity in voluntary patients is as much as 33 per cent. There were 72 patients on the registers of the asylum in the beginning of 1880, and these are included in the first period. The history of many of them was very inadequate, and I lay greater stress on the accuracy of the last period (from 1895 till 1904 inclusive)—that is a term of ten years. The results for the last period may be stated briefly: Certified patients with a hereditary history of insanity, 48·53 per cent.; voluntary patients, 42·42 per cent.; both classes, 48 per cent. If the *neuroses* and eccentricity, paralysis, and alcohol are included, the results are increased to 81·28, 78·78, and 81·06 per cent., respectively.

Referring to 623 certified and voluntary patients showing a heredity of insanity and *neuroses*, the total number of insane relatives recorded was 702 of all degrees of affinity, the number of neurotic relatives was 240. Relatives known to have suffered from paralysis numbered 191, alcoholics 169, tuberculous 259, and cancerous 70.

Table II. gives details of the relatives affected and shows several well-established facts. For instance, the insane fathers of patients affected number 54, in the proportion of 30 for fathers of males and 24 for fathers of females. The mothers number 66, in the proportion of 28 for mothers of males and 38 for mothers of females. The direct paternal and maternal influence show the same tendency, while the female sex is evidently more liable to hereditary forms of insanity than the male sex. Expressed in percentages we arrive at the following results:—

| —— | Males | Females | Total. |
|---|---|---|---|
| Total number of persons - | 471 | 415 | 886 |
| Persons with hereditary predisposition to insanity - | 201 | 193 | 394 |
| Percentage of hereditary cases | 42·6 | 46·5 | 44·4 |

I next pass to the consideration of eccentric and neurotic relatives, regretting that greater care has not been exercised in discriminating between eccentricity and *neuroses*. The influence of the fathers is expressed in similar ratio—as fathers of 16 males and 14 females. The influence of the mother, however, is distinctly reversed. Thus:—

| —— | Males. | Females. | Total. |
|---|---|---|---|
| Total number of persons - | 471 | 415 | 886 |
| Persons with hereditary predisposition to eccentricity and *neuroses* - - - | 130 | 99 | 229 |
| Percentages of hereditary cases | 27·6 | 23·8 | 25·8 |

The proportion of fathers and mothers noted as eccentric more nearly approaches the insanity table, thus:—

| —— | For Males. | Females. | Total. |
|---|---|---|---|
| Father eccentric - | 6 | 2 | 8 |
| Mother eccentric - | 5 | 4 | 9 |
| | 11 | 6 | 17 |

In considering the incidence of paralysis, the results also resemble the Table for insanity. Although on the total paternal influence the figures are: males, 54; females, 35; total, 89; it will be observed that the total maternal influence is: males, 30; females, 28; total, 58. I believe, however, that this can be explained by the fact that cerebral hæmorrhage, arterial degeneration, and so on, are less frequent in women than in men.

The Table for alcoholism is, of course, liable to the same deduction, and may be offered without remark.

I trust that I am not misunderstood in the use of the word *heredity* in reference to these matters. I have no belief whatever in the hereditary transmission of cancer, or the possibility of tubercle bacilli lying dormant in germ cells ready to awaken to vigour in the course of events. It is late in the day to make these reservations, so one might guard against an imputation of belief in the malignant influence of the moon on being betrayed into speaking of lunacy.

The fact remains that there are mad families, doomed to extinction or regenerated by prepotent new blood; that in investigating the history of these families it is evident that degenerative diseases are common and widespread; that, following on the usual experience of medical observations, we do not ordinarily discover a single cause, but rather groups of causes, which we may continue to term *degenerative*.

I may be permitted to refer to environment in connection with heredity. It is, of course, a very important and responsible position for the physician who is consulted as to the future of a person belonging to one of these neuropathic families. Even if we regard heredity as the prime factor in the production of good or evil in the individual, and the generation of insane persons by those more or less eccentric as a great wrong, we must admit the regenerative effects of healthy environment. We have in Perth an industrial school which for many years has been most potent in rescuing boys from degradation. These boys are heavily burdened with inheritance of vice, crime, and insanity. Indeed, the primary purpose of the institution was to give the waifs and strays a decent chance in life. The results of the school are none other than amazing in face of asylum statistics.

I am assured by Mr. Hutcheson, the superintendent, that the Fechney boys turn out law-abiding, respectable, citizens in the proportion of at least 80 per cent.

### General Paralysis.

I pass now to a brief consideration of the heredity of general paralysis, as represented by 39 cases, one being a female. Thus only 4½ per cent. of the total

**Question 24435.**



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number of persons admitted represents this group. During my service in the Perth District Asylum over thirty years ago, the disease was still rarer. It is a disease of great cities rather than rural districts, the urban residents referred to numbering 34 out of 39. It is noteworthy, too, that the great majority have been admitted during the last ten years, the percentages for the three periods being: First period, 2·91; second period, 2·62; third period 6·66; or 4·40 on the whole term of years. It used to be said that the incidence of heredity in reference to general paralysis was but slight, and one endeavoured to console afflicted relatives by expressing that opinion. If my limited experience be found correct for larger numbers, however, that opinion must be changed. I have shown that ordinary forms of paralysis are very common among neuropathic families, especially amongst the male members and similarly I find records of insanity and other *neuroses*; referable to the families of general paralytics. Table III. gives a list of these occurrences. Briefly, the heredity of insanity finds expression 14 times, eccentricity 4 times, *neuroses* 12 times, and alcoholism 7 times. Rheumatism, gout, and tuberculosis are also noted. Thus there was a distinct neuropathic heredity in 32 cases. Turning to those in whom no morbid heredity could be ascertained, they may be separately mentioned:—

MALES ONLY.

| Family history: Ancestors: | Cases. |
|---|---|
| Insanity denied | 1, 2, 3, 4, 5 |
| Consanguinity | 3 |
| Deformities | 3 |
| Tubercle | 2, 4 |
| Rheumatism | 3, 4 |
| Descendants: | Cases. |
| Lupus | 4 |
| No information | 6, 7 |
| Personal history: | |
| Syphilis | 1, 3, 4 |
| Alcoholism | 1, 6 |
| Mental stress | 2, 3, 4, 6, 7 |
| No cause assignable | 5 |

ALCOHOLISM.

With regard to the incidence of alcoholism, I must in the first place explain that, in so far as possible, I discourage the admission of habitual drunkards as voluntary patients to Murray's Asylum on the grounds that they are so frequently vicious persons who require reformation rather than treatment; that the arrangements of a hospital for the insane are generally unsuitable; and that the attitude towards an insane person is quite inappropriate towards an ordinary drunkard. The changes demonstrated by Table IV. are most unsatisfactory. It is disconcerting to find that the alcoholic persons have increased in numbers throughout the three periods from 6·8 to 24·8 per cent., the mean being 16·3.

On examining these 145 cases, we find that 38·32 per cent. were hereditarily predisposed to insanity, and 5·51 per cent. were hereditarily predisposed to eccentricity and neuroses. Alcoholism was found among the near relatives of 24·13 per cent., while the remaining 31·72 per cent. were apparently not of a hereditary nature. No doubt, occupation and environment played a considerable part in the evolution of these last-named cases, and fuller knowledge would assuredly reveal a faulty heredity in a certain proportion of them.

TABLE I.—Showing the Neuropathic Heredity of Patients under care in James Murray's Royal Asylum, 1880–1904 inclusive.

| | Heredity of Insanity. | | | No Heredity of Insanity. | | | Heredity of Insanity, etc. | | | Total Numbers Admitted. | | | Percentage of Heredity Insanity. | | | Percentage of Heredity of Insanity, etc. | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| CERTIFIED PATIENTS— | M. | F. | T. | M. | F. | T. | M. | F. | T. | M. | F. | T. | M. | F. | T. | M. | F. | T. |
| I—Year ending 1884 | 41 | 45 | 86 | 58 | 58 | 116 | 55 | 60 | 115 | 99 | 103 | 202 | 41·41 | 43·68 | 42·57 | 55·55 | 58·25 | 56·93 |
| II—Year ending 1894 | 63 | 55 | 118 | 77 | 75 | 152 | 100 | 82 | 182 | 140 | 130 | 270 | 45·00 | 42·30 | 43·70 | 71·42 | 63·07 | 67·40 |
| III—Year ending 1904 | 79 | 87 | 166 | 103 | 73 | 176 | 144 | 134 | 278 | 182 | 160 | 342 | 43·40 | 54·37 | 48·53 | 79·12 | 83·75 | 81·28 |
| Total | 183 | 187 | 370 | 238 | 206 | 444 | 299 | 276 | 575 | 421 | 393 | 814 | 43·46 | 47·58 | 45·43 | 71·02 | 70·22 | 70·06 |
| VOLUNTARY PATIENTS— | | | | | | | | | | | | | | | | | | |
| I—Year ending 1884 | 2 | 0 | 2 | 1 | 1 | 2 | 2 | 1 | 3 | 3 | 1 | 4 | 66·66 | — | 50·00 | 66·66 | 100·00 | 75·00 |
| II—Year ending 1894 | 7 | 1 | 8 | 21 | 6 | 27 | 14 | 5 | 19 | 28 | 7 | 35 | 25·00 | 14·28 | 22·85 | 50·00 | 71·42 | 54·28 |
| III—Year ending 1904 | 9 | 5 | 14 | 10 | 9 | 19 | 16 | 10 | 26 | 19 | 14 | 33 | 47·36 | 35·71 | 42·42 | 84·21 | 71·42 | 78·78 |
| Total | 18 | 6 | 24 | 32 | 16 | 48 | 32 | 16 | 48 | 50 | 22 | 72 | 36·00 | 27·27 | 33·33 | 64·00 | 72·72 | 66·66 |
| BOTH CERTIFIED AND VOLUNTARY PATIENTS— | | | | | | | | | | | | | | | | | | |
| I—Year ending 1884 | 43 | 45 | 88 | 59 | 59 | 118 | 57 | 61 | 118 | 102 | 104 | 206 | 42·15 | 43·26 | 42·71 | 55·88 | 58·65 | 57·28 |
| II—Year ending 1894 | 70 | 56 | 126 | 98 | 81 | 179 | 114 | 87 | 201 | 168 | 137 | 305 | 41·66 | 40·87 | 41·31 | 67·85 | 63·50 | 65·90 |
| III—Year ending 1904 | 88 | 92 | 180 | 113 | 82 | 195 | 160 | 144 | 304 | 201 | 174 | 375 | 43·78 | 52·87 | 48·00 | 79·60 | 82·75 | 81·06 |
| Total | 201 | 193 | 394 | 270 | 222 | 492 | 331 | 292 | 623 | 471 | 415 | 886 | 42·67 | 46·50 | 44·46 | 70·27 | 70·36 | 70·31 |

Columns headed Insanity, etc., include insanity, eccentricity, the graver *neuroses*, paralyses, and alcoholism.

TABLE II.—Showing Neuropathic Relatives Affected, Direct and Collateral (including Voluntary Patients).

Total cases, 1,104. Persons recorded: males, 331; females, 292; total, 623.

| | | Insane Relations. | | | | | | | | | | | | Eccentricity and Neuroses. | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | Direct. | | | Collateral. | | | Totals. | | | | | | Direct. | | | Collateral. | | | Totals. | | |
| | | M. | F. | T. | M. | F. | T. | M. | F. | T. | | M. | F. | T. | | M. | F. | T. | M. | F. | T. | | M. | F. | T. |
| Group 1 | Coll. | 2 | 2 | 4 | | | | 2 | 2 | 4 | Pat. | | | | Coll. | — | — | — | | | | | | | |
| Group 1 | F. F. | 2 | 4 | 6 | | | | | | | | | | | F. F. | 3 | 1 | 4 | | | | | | | |
| Group 1 | F. M. | 4 | 3 | 7 | 36 | 31 | 67 | | | | | 65 | 54 | 119 | F. M. | 1 | 1 | 2 | 20 | 16 | 36 | | 22 | 19 | 41 |
| Group 2 | F. | 30 | 24 | 54 | | | | | | | | | | | F. | 16 | 14 | 30 | | | | | | | |
| Group 2 | F. B. | 15 | 11 | 26 | | | | 27 | 21 | 48 | | | | | F. B. | 1 | 0 | 1 | | | | 2 | 3 | 5 | |
| Group 2 | F. S. | 12 | 10 | 22 | | | | | | | | | | | F. S. | 1 | 3 | 4 | | | | | | | |
| Group 1 | Coll. | 2 | 1 | 3 | | | | 2 | 1 | 3 | Mat. | | | | Coll. | — | — | — | | | | | | | |
| Group 1 | M. F. | 4 | 1 | 5 | | | | | | | | | | | M. F. | 0 | 1 | 1 | | | | | | | |
| Group 1 | M. M. | 3 | 3 | 6 | 35 | 42 | 77 | | | | | 61 | 67 | 128 | M. M. | 1 | 0 | 1 | 31 | 13 | 44 | | 36 | 16 | 52 |
| Group 1 | M. | 28 | 38 | 66 | | | | | | | | | | | M. | 30 | 12 | 42 | | | | | | | |
| Group 2 | M. B. | 9 | 12 | 21 | | | | 24 | 24 | 48 | | | | | M. B. | 3 | 1 | 4 | | | | 5 | 3 | 8 | |
| Group 2 | M. S. | 15 | 12 | 27 | | | | | | | | | | | M. S. | 2 | 2 | 4 | | | | | | | |
| | B. S. | 49 | 51 | 100 | | | | 81 | 122 | 210 | Others. | | | | B. | 21 | 14 | 35 | | | | 45 | 40 | 85 | |
| | S. | 39 | 71 | 110 | | | | | | | | 220 | 235 | 455 | S. | 24 | 26 | 50 | | | | | | | 81 | 66 | 147 |
| Group 3 | Ch. | 5 | 1 | 6 | 5 | 1 | 6 | | | | | | | | Ch. | 0 | 2 | 2 | 0 | 2 | 2 | | | | |
| | Others | 127 | 112 | 239 | | | | 127 | 112 | 239 | | | | | Others | 36 | 24 | 60 | | | | 36 | 24 | 60 | |
| | Total | 346 | 356 | 702 | 76 | 75 | 150 | 270 | 282 | 352 | | 346 | 356 | 702 | Total | 139 | 101 | 240 | 51 | 31 | 82 | 88 | 70 | 158 | 139 | 101 | 240 |

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| | | *Paralysis.* | | | | | | | | | | *Alcoholism.* | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| — | — | Direct. | | | Collateral. | | | Totals. | | | | — | — | Direct. | | | Collateral. | | | Totals. | | | |
| | | M. | F. | T. | M. | F. | T. | M. | F. | T. | | | M. | F. | T. | M. | F. | T. | M. | F. | T. | | |
| Group 1 | Coll. | — | — | — | 43 | 32 | 75 | 11 | 3 | 14 | Pat. 54 | 35 | 89 | | | | | | | | | | |
| Group 1 | F. F. | 6 | 2 | 8 | | | | | | | | | | F. F. | 3 | 1 | 4 | 26 | 19 | 45 | 8 | 10 | 18 | Pat. 34 | 29 | 63 |
| Group 1 | F. M. | 4 | 4 | 8 | | | | | | | | | | F. M. | 1 | 0 | 1 | | | | | | | | | |
| Group 2 | F. | 32 | 26 | 59 | | | | | | | | | | F. | 22 | 18 | 40 | | | | | | | | | |
| Group 2 | F. B. | 4 | 1 | 5 | | | | | | | | | | F. B. | 6 | 10 | 16 | | | | | | | | | |
| Group 2 | F. S. | 7 | 2 | 9 | | | | | | | | | | F. S. | 2 | 0 | 2 | | | | | | | | | |
| Group 1 | Coll. | — | — | — | 27 | 24 | 51 | 3 | 4 | 7 | Mat. 30 | 28 | 58 | Coll. | — | — | — | 11 | 4 | 15 | 7 | 1 | 8 | Mat. 18 | 5 | 23 |
| Group 1 | M. F. | 8 | 3 | 11 | | | | | | | | | | M. F. | 4 | 0 | 4 | | | | | | | | | |
| Group 1 | M. M. | 2 | 2 | 4 | | | | | | | | | | M. M. | 1 | 0 | 1 | | | | | | | | | |
| Group 1 | M. | 17 | 19 | 36 | | | | | | | | | | M. | 6 | 4 | 10 | | | | | | | | | |
| Group 2 | M. B. | 0 | 2 | 2 | | | | | | | | | | M. B. | 7 | 1 | 8 | | | | | | | | | |
| Group 2 | M. S. | 3 | 2 | 5 | | | | | | | | | | M. S. | — | — | — | | | | | | | | | |
| = | B. | 8 | 4 | 12 | | | | 19 | 6 | 25 | Others. 32 | 12 | 44 | B. | 23 | 22 | 45 | | | | 27 | 30 | 57 | Others. 42 | 40 | 82 |
| = | S. | 11 | 2 | 13 | | | | | | | | | | S. | 4 | 8 | 12 | | | | | | | | | |
| | Ch. | — | — | — | | | | | | | | | | Ch. | — | — | — | | | | | | | | | |
| Group 3 | Others | 13 | 6 | 19 | | | | 13 | 6 | 19 | | | | Others | 16 | 10 | 26 | | | | 16 | 10 | 26 | | | |
| | Total | 116 | 75 | 191 | 70 | 56 | 126 | 46 | 19 | 65 | 116 | 75 | 191 | | 95 | 74 | 169 | 37 | 23 | 60 | 58 | 51 | 109 | 95 | 74 | 169 |

NOTE.—For F. F. read Father's Father, F. B. Father's Brother, etc.

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TABLE III.—Showing the Incidence of Heredity in Patients Addicted to the Intemperate use of Alcohol or Drugs

| Heredity of: | Certified. | | | Voluntary. | | | Totals. | | | Percentage Calculated on 145. |
|---|---|---|---|---|---|---|---|---|---|---|
| | M. | F. | Total. | M. | F. | Total. | M. | F. | Total. | |
| Insanity - - - - | 38 | 8 | 46 | 9 | 1 | 10 | 47 | 9 | 56 | 38·62 |
| Neuroses - - - - | 6 | 1 | 7 | 1 | 0 | 1 | 7 | 1 | 8 | 5·51 |
| Alcoholism - - - - | 16 | 8 | 24 | 7 | 4 | 11 | 23 | 12 | 35 | 24·13 |
| None ascertained - - - | 25 | 8 | 33 | 11 | 2 | 13 | 36 | 10 | 46 | 31·72 |
| | 85 | 25 | 110 | 28 | 7 | 35 | 113 | 32 | 145 | 100·00 |

| | Certified. | | | Voluntary. | | | Totals. | | | Percentage Calculated on 886. |
|---|---|---|---|---|---|---|---|---|---|---|
| By Periods: | M. | F. | Total. | M. | F. | Total. | M. | F. | Total. | |
| First to 1884 - - - | 10 | 3 | 13 | 1 | 0 | 1 | 11 | 3 | 14 | 6·8 |
| Second to 1894 - - | 22 | 5 | 27 | 11 | 0 | 11 | 33 | 5 | 38 | 12·4 |
| Third to 1904 - - - | 53 | 17 | 70 | 16 | 7 | 23 | 69 | 24 | 93 | 24·8 |
| | 85 | 25 | 110 | 28 | 7 | 35 | 113 | 32 | 145 | 16·3 |

24436. (*Mr. Byrne.*) With reference to the points in the first column of your statement—on which you say that you are ready to give evidence, could you tell us what are the evils and the extent of them in your opinion which arise from any want of proper means for dealing with feeble-minded persons at the present time in regard to crime and immorality?—In regard to crime there are many considerations. What they call *recidivists* on the Continent are very prominent in our prisons. I might refer to a case of which I have the notes here. A woman was apprehended some ten times for breach of the peace and was placed in Perth general prison again and again for the same offence, without drunkenness. At length the sheriff sent me to the prison to examine this woman, and I found her to be not only grossly delusional, but distinctly feeble-minded. I certified her as insane. She was sent to the asylum and thence discharged, recovered.

24437. How soon?—Within some months. She was an excellent worker and quite quiet when under slight control, and the superintendent thought he was justified in sending her home. The medical officer for the parish of settlement of this person, found her one day occupying the middle of of the village street with a scythe. Being accustomed to this sort of case, he jumped off his horse and parleyed with her and deprived her of her weapon. She was again certified as insane and sent back to the asylum, where she remained. That was one of those cases that might very well have escaped attention in a large prison, and perhaps would be more fitted for a reformatory Home than for either the prison or the asylum. I do not think that woman required the elaborate and expensive treatment of an asylum.

24438. Do you think there are many cases of that nature or something like that, especially if you include the drunkards, but she was not a drunkard?—No. If we regard the criminals only, I think there must be many cases, because the medical officer of the prison said that if I certified that woman I would require to certify a great many more.

24439. Do you agree with Dr. Clouston that there should be a careful examination in the prison?—I suggested that to a previous Departmental Committee, and I was told that such an officer had been appointed, but an officer skilled in mental diseases had not been, and has not yet been appointed.

24440. You recommend that?—Yes.

24441. What is the proper treatment for such cases, supposing the permanent mental infirmity is established? Would you recommend indeterminate detention?—Yes. In regard to feeble-minded criminals, the indeterminate sentences I have seen in operation at Elmira seem to be something like what should be required. You will see later in my statement that I have recommended that there should be a revival of the Scottish law of interdiction, because I think it is quite a useful discrimination to make between the absolutely insane or the absolutely idiotic and the feeble-minded. I think it might be very helpful to have these feeble-minded people dealt with under some such law as the law of interdiction.

24442. You have mentioned one important class of case. Are there other cases of feeble-minded persons who are not dealt with satisfactorily at present which cause scandal or inconvenience or danger to the community?—Yes, there is the habitual drunkard, of course.

24443. Do you agree with the general principles of the Inebriates Act?—So far as they have gone.

24444. Are you in favour of compulsory committal?—Yes, but I think it is very important that we should not recommend that everybody should be swept into reformatory institutions. Control should be exercised, and that control should only be exercised by authority of the courts of law, a skilled judge taking all the circumstances into consideration and dealing with each individual case on its own merits.

24445. I notice you refer expressly to an individual whom we know in England and do not know how to deal with, that is the man who works and maintains his family during the week, but he drinks every second Saturday and has alcoholic mania?—I think it must be left to the Sheriff to decide whether the circumstances are such as to make it necessary for that man to be sent to a reformatory, or to be interdicted and put under control so far as his wages are concerned.

24446. Such a person as that would not be feeble-minded in the ordinary sense?—I regard most drunkards as vicious persons.

24447. And that class especially?—Yes.

24448. A sharp punishment might be given to such a man?—Yes, but not short. That leads into very great difficulties. For instance, I had a voluntary patient lately who was a labouring man with not more than 20s. a week. Old age was creeping on him. He broke down mentally and became depressed, and he came to me voluntarily because he was afraid he would drown himself. That man had saved £600, and yet he was drunk every

week of his life. He put aside a modest shilling every Saturday night, got drunk and slept it off on the Sunday, and thereafter was alwys first at work on the Monday morning.

24449. Are such cases fairly common in Scotland ?—Do you mean the Saturday drunkard ?

24450. Yes ?—Yes, very common, especially in Glasgow.

24451. We have been told by some witnesses in England that they practically do not exist, that such a man may drink too much, but he is really not an inebriate ?—I think if you take evidence from Lancashire you will find that not only is the Saturday night drunkard very common there, but the wife is so fully aware of the appropriate treatment, or what she considers to be the appropriate treatment, that she buys a pennyworth of tartar emetic to clear her husband out. I think you will find that already in evidence given before a Departmental Committee.

24452. You think that existing methods do not suit people like that; they are not properly punished with a 10s. fine or three days in prison ?—No. Such cases as I have stated to you must be dealt with by a judge who has all the evidence before him, a judge who is accustomed to sift evidence, and will authorise control if it appears to him to be necessary.

24453. At present he can only award fine and imprisonment. Would you leave it open to him to award long reformatory treatment and to attach the man's wages and so on ?—Yes.

24454. It is the criminal law that wants improving ?—Yes, but when one talks about the criminal law, one must remember that it is intimately connected with the lunacy law, and it is our desire that there should be no stigma attached to the milder cases of feeble-mindedness.

24455. Have you any practical suggestions to make to us with regard to the difficulties that now arise from the discharge of patients from asylums who are cured or recovered in the technical sense, but who are in danger of a relapse ?—Perhaps I might be allowed to read an extract from my last report, so that you may know exactly what happens and the difficulties one has in administrating the affairs of an asylum.

24456. I think you might put that in ?—Very well. (*Handing in extract from report vide infra.*) I may say that I have to deal entirely with private patients; I have nothing to do with the State supported class. The private patients who come to me being maintained by their own friends, the friends on ceasing payment naturally force the discharge of the patient unless he can be regarded as so dangerously insane that he should be reported to the procurator fiscal as a person who would be a danger to the lieges if discharged. Now, in twenty-six years, and in dealing with something like 1,200 patients, I have only gone once to the procurator fiscal to protest against the discharge of a patient. That patient was so dangerous that he was detained in the pauper asylum of the district. There are many patients who are discharged against advice, but some of these I am bound to say do very well. It depends very much on the home and the care and the control that they have afterwards. The most of those that are discharged against advice naturally come back.

RE-DISCHARGE OF PATIENTS FROM ASYLUM CARE AND CONTROL.

*Excerpt from 79th Annual Report.—James Murray's Royal Asylum, Perth.*

"Twenty-seven patients were received for the first time, nine returned relapsed after having been discharged recovered, and four returned on recrudescence of mental disorder. The intervals of sanity in these relapsed cases were generally of considerable duration—two had enjoyed excellent health for twenty years, one for sixteen years, one for thirteen years, two for ten years, and two for seven years. Others were of shorter duration, some going home for a change, others alternating between home and the asylums as many as six times.

"The number of re-admissions (thirteen) was unprecedented in the history of the asylum, and the number of those suffering from recurrence of mental disorder (twenty-two) was also disproportionate. In these observations the word *recovery* is used to indicate those in whom there is a re-establishment of mental soundness permitting of the return of the patient to his place in the world without requiring the care and supervision of others. The "lucid interval" may prove to be of life-long duration, it may be for years, or only for months. Doubts have been expressed regarding the propriety of liberty in many of these cases. It has been represented as a wrong to the lieges. This is a new phase of opinion. For many years we have been accustomed to accusations of undue detention in Asylums, elaborate safeguards have been devised to protect the insane from that evil, and now the tide of opinion seems to be setting in a contrary direction. As the law stands there is no longer authority for the detention of a person after he ceases to be insane and in the great majority of cases, it would be an intolerable hardship to be detained indefinitely because of a possibility of untoward remote consequences. No doubt there are those, including many who have never been under custodial care, who should be limited in liberty of action under revised legal enactments; but the advocates of extreme measures will have to be content with less Spartan remedies than they formulate. The practice of discharge on recovery or even on improvement, may entail occasional hardships; but on the whole it is appropriate to existing conditions. For instance, I have a case coming in periodically when he feels that an attack is impending. He is a bachelor, and leaves his home for treatment, as one might seek a Spa. One of the outstanding authors of the Victorian Period was similarly affected.

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There are many discharged who come short of complete recovery. There are cases removed against advice. They may not be "dangerous" in the sense that report to the Procurator Fiscal is necessary. I have only once reported to him on this ground, but have had to discharge unfit persons repeatedly.

The system of pass is used extensively by me, but it is not reported by the General Board of Lunacy. I rarely use the system of probation, but it is advocated by Dr. Carlyle Johnstone as an important means of after-care —*cf.* Trans. 4th International Home Relief Congress, Edinburgh."

*A. R. Urquhart.*

24457. Did you hear Dr. Clouston's evidence this morning as to the discharge ?—I am afraid I did not catch it.

24458. You speak very favourably of the results of the industrial schools in the neighbourhood of Perth. Have you any suggestion to make in connection with industrial schools in regard to dealing with the feeble-minded ?—I think the industrial schools offer a very good illustration and indication of what should be done for the young criminal. The young criminal, say from twenty to twenty-five, should be kept in a reformatory by himself, and not mixed with the general prison population. With regard to this question of feeble-mindedness among children, I have gone over the children in the elementary schools in Perth to the number of 3,759, and also in the industrial schools to the number of about 260, and it is a very remarkable thing that the feeble-minded children in these industrial schools do not exist.

24459. They are excluded, they will not take them ?—But even the dull and backward. Those complained of as dull and backward were of a very much higher plane than the dull and backward in the elementary schools.

24460. Do you think the industrial schools might be utilised on a somewhat different system for training the feeble-minded ?—No, I think they want schools of their own. Of course there is a difficulty about that, about the stigma of which you have heard so much attaching to a special school or a special class; but, as a matter of fact, stigma attaches to every form of custodial care. With some such arrangement you are in a much better position in the interests of the lieges, and so I do not make much of the stigma personally.

24461. (*Mr. Hobhouse.*) You have devoted a good deal of your attention to this question of heredity ?—Yes, I have worked a good deal at it.

24462. Do you agree with the evidence given by Dr. Clouston ?—I did not hear that part of his evidence.

24463. Do you agree that heredity can be traced in cases of feeble-mindedness ?—Yes. I have prepared family trees of something like 280 families. If the Commission has time to look over some of these in connection with feeble-mindedness and alcoholism——

**Questions 24464 to 24485.**



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24464. How far do your trees go back?—Unfortunately they do not go back very far.

24465. But how far?—One of them goes back to the great great grandfather. That was designed as showing the extinction of an insane family. You very seldom get beyond the grandfather.

24466. Does the grandfather exhibit signs of weak-mindedness as distinguished from insanity?—Not necessarily. All insanity is weak-mindedness, is it not?

24467. That is just what I wanted to get at?—Insanity may be acquired later in life, but I thought that the Commission did not take very much interest in that part of our work; I thought the Commission were more interested in feeble-mindedness, idiocy, and those congenital conditions.

24468. Do you find among these cases that you have traced that there is weak-mindedness or feeble-mindedness in the grandfather invariably?—No.

24469. Then where does the question of heredity come in?—Do you mean how can you say that anybody is hereditarily insane?

24470. No, not insane, but weak-minded or defective-minded?—You will find that a family is defective and insane and epileptic, and that you have various other forms of congenital mental weakness, or you may find that a weak-minded father had a weak-minded child. You might find, on the other hand, as generally happens, that all forms of distinct weak-mindedness end in the extinction of families. It is nature's method of extinguishing an unfit family.

24471. (*Chairman.*) Perhaps you will be so good as to show us your diagrams now?—(*The witness here displayed numerous diagrams on a board.*) The first Table shows Case No. 2596. This is a large family on both sides, and in the first generation noted there was cancer and nervousness. The family throughout are nervous. Two of them became insane after operations. The next Table shows the transformation of alcoholism to eccentricity and insanity with alcoholism. Case No. 2441. Grandfather alcoholic and his son eccentric. This eccentric person married an eccentric wife.

24472. (*Mr. Byrne.*) Was she eccentric before she married him or only after?—The eccentricity was life-long in both these persons, and I suppose the marriage was a proof of the eccentricity. At any rate, the first child was still-born, the first son was eccentric, the third was an idiot, the next was alcoholic and insane, and the youngest child was extremely nervous, leaving just one daughter out of that family who was normal. Case No. 2414. This shows the close relation of insanity and alcoholism. Case No. 2003. Here is a decidedly eccentric individual who was still considered as sane by his fellows and was a successful man of business. With regard to his family, the first three children became insane, the following son was insane, and the three younger sons were idlers and loafers, who dissipated the family means.

24473. What was the mother in that case?—I could get no information of her character, and antecedents, and she is marked doubtful. Then I might show one of persistent insanity with extinction of the family. Case No. 2107 goes back five generations. These insane persons were married, and they left two daughters who both became insane. An alcoholic married into that family, and the issue was insanity and early death, and now there are only three extremely nervous individuals left in this branch of the family.

24474. But the children of the insane daughter were all normal, and the dreadful people were those who belonged to a side branch?—Yes, that happens repeatedly. These tables are presented with a very severe qualification. We are occupied with the very worst cases in the country. This gives no adequate indication of the regeneration of families by the introduction of prepotent new blood. I am dealing with people who have gone from bad to worse, whereas the converse is just as true that by the introduction of fresh blood a decadent family may be restored in its generations. We require an investigation of the facts arising from a study of a great number of families taken at random from general experience. Insanity of course is most dreadful as a pauperising affliction. These two branches of the family had so long drifted apart that it was not till the two persons were in the asylum that it was found out that they were related. This person being married to an alcoholic in the very last line had two syphilitic children who are both dead, and this other branch of the family has been extinguished by tuberculosis.

24475. (*Mrs. Pinsent.*) It would be very interesting to know how many of these people were State-supported before their families became extinct?—I do not think there were any. You can imagine what the state of matters would be in another stratum of society were things going so very badly as here. This other family is of English descent, and is if possible still worse. There were eleven of this family, and they have practically become extinct. There is one person in the family who is far above the average in mental power. She is the only survival from the wreckage of this crowd. The next Table shows a very large family, and the chart is designed to show the persistence of suicide. Those who are not insane are mostly morose and depressed individuals. In this branch the family escaped the taint probably through the introduction of fresh blood. The same sort of evidence might be repeated indefinitely, especially in regard to alcoholism.

24476. (*Mr. Hobhouse.*) In these Tables you practically draw no distinction between defective-mindedness and insanity?—Yes, there is the difference that was commonly made in distinguishing between the congenital cases, that is to say, those who were born or in early infancy had shown themselves to be defective, and those who in after life became insane; but they are branches of the same defect.

24477. You do not draw any difference between the strength of the disease, the virulence of the disease?—No.

24478. (*Dr. Dunlop.*) We have had quite a large amount of evidence before the Commission regarding the incompleteness of the provision of imbecile asylums in Scotland. I suppose you agree with that?—Yes.

24479. Is the provision of these asylums a duty that can be met by philanthropy?—I doubt that very much. We have a difficulty in finding a place for an imbecile or idiotic child. If we take Baldovan, the money that was required last year for the support of Baldovan amounted to something like £4,000. £70 was the total amount of the subscription list, from philanthropic members of the community.

24480. That was the total amount after collecting as hard as the collectors could?—Yes.

24481. It is a public duty that ought to be borne at the public expense?—Yes, I think so.

24482. Should the duty of dealing with imbeciles and idiots be undertaken by the same authorities as those which look after lunacy?—Yes.

24483. The Poor Law relief in lunacy has worked well?—Yes.

24483*a*. But is there any distinction that could be made with advantage in the administration of insanity or feeble-mindedness or idiocy?—I think not.

24484. In Scotland the two have been dealt with by the same authorities and generally similarly?—Yes.

24485. Is there any advantage in separating them?—I do not think so; I think it would introduce great confusion. Of course, you are aware that in the Code the schools have been entitled to start classes for feeble-minded or backward children. Now if these feeble-minded children are sorted out from the schools, they must be under some authority. One proposition is that they should be dealt with as the deaf and dumb and the blind, that the education of the deaf and dumb and the blind and the feeble-minded should be under the scholastic authority. The other proposition is that the school boards should not be liable for the maintenance of the mentally defective, and while they might provide classes for them, they should not be entitled to go any further than to give them facilities, they should not be entitled to do anything as regards their maintenance. Now it is a little difficult to follow, but you will understand that the Government grant, the equivalent grant, can be given for all insane persons and idiotic persons, whether they are boarded out, or in asylums in Scotland, and therefore it

makes a little difference to the ratepayer whether the education authority will undertake this work or the parish council. On the one hand, if you put it on the school board you lose the proportion of the equivalent grant; on the other hand, if you put it in the hands of the parish council you attach a stigma to them namely, the association of pauperism with the affairs of the family.

24486. Do you think it is a legitimate function of the Education Department to deal with uneducable children? —No.

24487. They should not have the care of idiots?—No.

24488. Or low grade imbeciles?—No.

24489. Or high grade imbeciles?—I think there should be one authority for all kinds of mental defect, and that authority, which has been proved successful in practice for so many years in Scotland, is the authority of the General Board of Lunacy, although that is an unfortunate name.

24490. Any new name would get equally prejudiced very shortly?—Yes, it would be equally degraded.

24491. You think that the training schools such as Larbert or Baldovan should be under the jurisdiction of the Board of Lunacy, and should have nothing to do with the Board of Education?—Certainly.

24492. It is not a justifiable function for the Board of Education?—No, nor is it in the interest of the ratepayers, the equivalent grant being possible to the one and not to the other.

24493. But that would be manipulated?—Yes?

24494. You were talking of special schools for defective children. Are you of opinion that any amount of teaching or education will ever cure imbecility or mental defects?—You are asking a general question; I must differentiate the different kinds. For instance, a few years ago I was horrified by a lady saying that the mentally and physically defective children of Perth were neglected. I took the matter up, and we got the compulsory officer to look into the question. He found fifteen children who were defective, mentally or physically, in the school area of Perth, but of course he could not gather them all. While the Board did not think it worth while doing anything two years ago, perhaps they have now rather awakened to the necessity for doing something; and I went over some 3,759 children in Perth lately and found thirty-two children who were either feeble-minded or very dull and backward, and who were not properly placed in those elementary schools.

24495. There is a class not properly placed?—Yes.

24496. And the number is about thirty-two out of 4,000?—Yes, about 0·7 per cent. I am quite sure, speaking generally, that 3,759 of these children would not be properly placed at Baldovan or Larbert.

24497. These include the dull and backward?—Yes.

24498. Are you aware of the fact that the dull and backward children are excluded from these classes by the law?—Yes, but you know they insensibly shade into them. Who is to be the judge of whether a child is dull and backward or feeble-minded? We would probably all come to a different decision about every child. It might depend on the time of the day that we were looking at the child.

24499. As soon as there is mental defect of any serious grade, special classes are not of very great advantage?—If they are of sufficiently low grade as to have to go to Baldovan or Larbert I cannot imagine a better place for them than these imbecile asylums, where they are taught and where I daresay a few might be rescued and made self-supporting, but that with great difficulty. Dr. Greig at Baldovan is pressing for more educable children to be sent to Baldovan, which I rather deprecate, if that should mean the exclusion of idiots. I would ask the Commission to note that Baldovan Asylum was originally founded by Sir Reginald Ogilvie to be a training school for ordinary orphan children and idiots and imbeciles, on the plausible idea that the two classes of ordinary orphans and defective children would re-act upon one another for the benefit of both. That was found to be an absolute failure, and the two classes had to be separated and separate buildings had to be built.

24500. At all events you are in favour of day schools for the milder grades and boarding schools for the lower grades?—Yes.

24501. The day schools being under the education authority?—Yes.

24502. On the one consideration, namely, that the children must be educable?—Yes.

24503. Now, there are the prison cases, insane persons, some delusionary and some not, that find their way in and out of prison. Are you in favour of a State asylum, an enlargement of the State lunatic department practically?—A prison establishment for insane persons?

24504. It might be situated anywhere, a State-managed asylum?—Yes, a State-managed reformatory asylum.

24505. There is a great want of such an institution in the country?—Yes.

24506. Many of those cases can readily be certified as insane, but they cannot be certified because they would be shortly discharged from the asylums?—Yes. They are not fit to be in the asylums, and I think that one may say that the governors of the prisons are glad when they are discharged from the prisons, because they are hardly fit to be occupants of cells.

24507. You have already spoken about the compulsory detention of inebriates being required for certain extreme cases. A husband should be able by a petition to get a drunken wife locked up?—Yes.

24508. What is your opinion of the applicability of the process of curatorship?—The process of curatory is for a lower grade than for the merely feeble-minded.

24509. Would not such a process be very applicable to the case of the habitual drunkard?—I would rather have interdiction, proceeding on the *conseil de famille* as I have indicated.

24510. (*Dr. Needham.*) I see that you are in favour of breaking up densely populated establishments, "and in favour of providing variety of accommodation, and it is particularly gratifying to find that Mr. Hine, whose great experience in designing modern asylums must be well known to the Commission, is in favour of simpler construction, a greater land area, and a more homely entourage for the mentally afflicted than we have been generally accustomed to." Can you point to any plan of Mr. Hine's which shows this simpler construction?—No, he has prepared no plan so far as I am aware.

24511. You say that the later developments of architecture in Scotland have been on those lines. Is Bangour one of the latest developments?—Yes.

24512. Is it on the lines of cheap construction?—It was intended to be, and it is to be hoped that eventually the cost of Bangour will be much less than has been feared. It went up to about £600 a bed, the housing of each patient was to cost £600 of capital sum. But you must not take Bangour as an indication of the cost of this kind of asylum, because the Committee bought an estate and thereafter found that they had no means of conveyance to the estate, and they built a railway. Then there was no water, and the water scheme cost a great deal of money. You have to add all that.

24513. You have to add £100,000?—I could not say. If you refer to the new Aberdeen Asylum you will find that a very moderately priced asylum.

24514. Do you remember the cost per bed?—No, but I know it was something quite modest.

24515. (*Chairman.*) Is there anything you would like to add?—I do not think so, except that I am very much obliged to the head masters of the schools in Perth and to other ladies and gentlemen who have enabled me to prepare this information for the Commission.

**Question 24516.**



[J. Quin Donald, Esq. L.R.C.P., L.R.C.S. (Edin.)

12 June 1906.

J. QUIN DONALD, Esq., L.R.C.P., L.R.C.S. (Edin.), called; and Examined.

24516. (*Chairman.*) You have been so kind as to give us a statement of your evidence; may we put it on the notes?—Yes.

STATEMENT OF THE EVIDENCE PROPOSED TO BE GIVEN BY J. QUIN DONALD, ESQ., L.R.C.P., L.R.C.S. (EDIN.), MEDICAL SUPERINTENDENT OF THE INVERNITH LODGE RETREAT, COLINSBURGH, FIFE.

INVERNITH LODGE RETREAT.

I am desirous of offering information to the Commission in regard to persons suffering from inebriety, either in alcohol or drugs. For nearly six years I have devoted my whole time to the treatment of inebriety and narcomania, and during that period I have been licensed under the Inebriate Acts of 1879–1900, my licence having been granted first by the Staffordshire County Council, secondly by the Kirkcudbrightshire County Council, and lastly by the Fife County Council.

I have come to the conclusion, after careful study and experience, that inebriety and narcomania are mental diseases, which, if properly treated, are to a certain extent curable and preventable. I am convinced that there is no method of curing either of these diseases except by the victims being put in a place free from temptation and under proper control, where their physical strength can be built up by means of healthy surroundings, proper and regular diet, and, as the disease is a mental one, healthy habits formed and educational measures used.

When I state that I believe the disease to be a mental one I mean that inebriates are mentally defective; that is, they are not at times able to control themselves; that it is a disease in which loss of mental balance takes place; that fear of consequences do not deter; that judgment and will-power are completely swept away, and natural affection lost.

The term "craving for alcohol" is an every-day phrase, but only those who have studied the question understand the meaning of it. There are really two kinds of craving: first, the physical craving which a person experiences after having drunk to excess, and from certain states of ill-health where there is depression, discomfort, or pain. This craving can easily be remedied. But there is another kind of craving which is of a very different nature, and which does not assume a craving in the ordinary sense of the word: it is a state of mental unrest. The subject may apparently be in the best of health, may have no apparent bodily need for stimulation, may have no temptation specially offered him, may have no *malaise*, may fully realise the danger of taking the first glass of alcohol, knowing that it will inevitably lead to excess, and yet without rhyme or reason he will deliberately drink. The craving here, therefore, is a subtle, indescribable, and almost inexpressible state of mind which demands stimulation. Then again it may assume what may be called force of habit. A person has been accustomed for a length of time to go into temptation, to which he knows he will yield and which he knows to be wrong, but he has not the will-power to evade the temptation. I can cite instances of this indirect craving. A patient, who was with me upwards of a year, and who, during that time, had been an absolute teetotaller, and who during the time he was with me had been in London for three weeks on leave of absence, without any supervision, and when he returned to his old environment after he left me had no difficulty in resisting the many temptations offered to him during those periods. He was placed sometimes in surroundings which made it difficult for him to refuse alcohol, and knew that if he touched a single drop it would not end there. On going to fill a post of responsibility, on which to a certain extent his future career depended, he had a few hours to wait before fulfilling his engagement. Without any cause apparent to himself or anyone he went into a hotel bar where he was a perfect stranger, drank a bottle of lager beer, and next day was hopelessly drunk. Another case in point is that of a student who, having been with me for several months an absolute teetotaller, returned home and remained steadfast until a few days before an examination on which depended a great deal. He walked out of the house with no intention to drink, and for no reason apparent to himself went into a public house, ordered a glass of whisky, with the result that he was so bad in a few days that he had to be sent back to me. There is no doubt that there was a mental defect at these particular times in both cases, and they are only two of many I could cite.

The law as it stands cannot compel those suffering from these diseases to be detained unless they commit offences under the 1900 Act; and, in my opinion, unless compulsory powers are given by which inebriates and narcomaniacs can be compulsorily detained it will be impossible to deal with the great majority of them.

At present, as the law stands, an inebriate may sign under the Act voluntarily, and as inebriates are not as a rule in a fit state of mind to judge for themselves, it is extremely difficult to get them to believe that, in so doing, they are doing what is right. They are at times absolutely unfit to manage their own affairs and have no mental balance, and therefore it is the duty of the State to protect these people against themselves. At present the friends and relations are at the mercy of dipsomaniacs, and unless the law is altered they will continue to be so. I repeatedly receive letters from friends of dipsomaniacs asking me if there is no way to compel them to go into a retreat; my reply to which, of course, is in the negative.

Then again narcomaniacs, who indulge either in morphia or cocaine by the hypodermic method, do not come under the Inebriate Acts; and, as unfortunately this class of persons is rapidly increasing and extending, it makes it all the more necessary for something to be done for them in the same way as those suffering from dipsomania.

That a cure can be effected by measures such as I have mentioned, I would lay before the Commission some of my results, as given in my Report of 31st December, 1905, to the Inspector of Retreats. I may state that my experience has been confined to male patients of the better class. Out of the 215 cases whom I have treated, 45 have been cured, and by cured I mean that they have been at least a year away from me and have not returned to their habit; thirty-three are doing well; that is to say a year has not elapsed since they left me, but they have not returned to their habit; sixty-four cases have relapsed; forty-three have not been traced; two died under treatment, and twenty-eight are still under treatment. Deducting those who have not been traced, those who died under treatment, and those who are still under treatment, the percentage of cured is 31·6, those doing well, 23·2, and those relapsed, 45.

In looking into the cause of the large percentage of relapsed, I find two causes: first, the majority have had no real desire to be cured—they have simply been sent by their friends as a last resource, and have only come under compulsion; and second, the period of time they remained has been far too short. The average period of treatment over all is only about six months, and I am convinced that if this were doubled better results would be shown. There have been before the public of recent years advertised short cuts to cure. I mean treatment by the administration of certain drugs which act as specifics in removing desire for alcohol, and thus curing the patient of his habit. The cure of inebriety is, to a great extent, prophylactic; and, the disease being a mental one, I cannot understand how these methods are either scientific or based even on common sense. It would be just as reasonable for a medical man engaged in lunacy to advocate the use of a drug by which lunacy in a patient might be prevented or cured. Anyone, I think, advocating this, would be more likely to be thought the lunatic himself. I have tried these methods, and I am led to believe that they not only fail to do good, but often do actual harm. I admit that slight cases have been cured by these methods, but I firmly believe that it was rather by suggestion, by trading on the credulity of the patient, than by the drugs injected or swallowed. I have had thirty-four cases

who have come to me after they have been through one or more of these drug cures. Eight of these cases have died. I have invariably found that patients who have undergone one of these drug cures before they came to me are more difficult to deal with than those who have not. Their faith in cure seems to have been shattered.

I think all Retreats should be licensed under the Acts. Government supervision is, in my opinion, necessary for the proper carrying out of the work, and it is the duty of the Government to see that no one can receive a licence under the Acts unless they can show that they are proper and fit persons to carry on the work. I also think that, as far as possible, every licensee should hold a medical qualification.

JOHN Q. DONALD, L.R.C.P., L.R.C.S. (Edin.)

*J. Quin Donald, Esq. L.R.C.P., L.R.C.S. (Edin.)*

12 June 1906.

24517. (*Dr. Dunlop.*) You have been engaged for a fairly long time in treating dipsomaniacs and narcomaniacs ?—Yes, about six years.

24518. The general conclusion you have come to is that these cases are essentially cases of mental disorder ?—Yes.

24519. In some cases mild and in others cases not so mild ?—Yes.

24520. Have you any experience to which you can point as regards the necessity for the compulsory detention of these people ?—Yes, a great deal. The law as it is at present does not compel an inebriate to go under treatment unless of his own voluntary will. An inebriate as a rule is not able to judge for himself and if he does judge he will not go. His friends have no power to force him, and if such a man goes very much against his will then the object of the cure is defeated. If he were put in for a considerable time his irritability would pass off and he would have a better chance of cure.

24521. Many of the cases as you receive them are really not capable of making up their own minds, and they require their nearest relations to make up their minds for them ?—Yes

24522. You only treat better class cases ?—Yes, and only male cases.

24523. From your own personal experience you know that there is a great necessity for powers of compulsory detention ?—Yes.

24524. You say in your statement, " They have simply been sent by their friends as a last resource and they only come under compulsion." That is indirect compulsion ?—Yes. There has been some indirect influence brought to bear upon them in the way of cutting off supplies and so on, and they have been obliged to come.

24525. Also because of threats by masters ?—Yes, and threats of sending them abroad.

24526. Acknowledging the incapacity of the drunkard to look after his affairs, have you any opinion as to the advisability of appointing *curators* to take charge of their affairs ?—Yes. I think it would be advisable, because they may be right for a time, but in most cases their attacks are periodic; after going all right for a time the mental unrest comes and then the breakdown, and all the good is undone.

24527. You have known cases of fortunes that have been wasted ?—Yes. Most inebriates are pretty well penniless.

24528. In some cases it would be desirable to have a *curator* ?—Yes.

24529. You think that a most desirable change in the law ?—Yes.

24530. Are you aware of the procedure that there is in the appointment of a *curator* in this country ?—Only generally.

24531. With regard to the narcomaniacs, how are they as a class compared with dipsomaniacs ?—They are a growing class. Narcomania is increasing by leaps and bounds. The use of the hypodermic syringe is becoming a common thing now. There is scarcely a week passes but I am asked to take such cases. They are much more difficult to deal with than ordinary dipsomaniacs in so far as treatment is concerned, and they are victims of great delusions. Money is no object to them. They are more dangerous to themselves than dipsomaniacs.

24532. Would you apply the same conclusions to the narcomaniacs, that many of them are mentally affected and that they are incapable of managing their affairs ? —Yes.

24533. And they ought to be dealt with in the same way ?—Yes.

24534. You are aware of a little flaw in the Inebriates Act, in the definition of an inebriate, whereby some of these most desirable cases are excluded from being brought under the Act ?—Yes. I have had to deal with that several times. The Act says it is a person " who by reason of intemperate drinking." Now most narcomaniacs do not drink, and therefore they cannot be certified as habitual drunkards or inebriates.

24535. The man who drinks his morphia can be brought under the Act, but not the man who injects it ?—That is so.

24536. I suppose we may take the figures as regards the percentage of cures to be correct ?—Yes.

24537. Do you happen to know whether these largely advertised drug cures have any good effect ?—My experience is that they do more harm than good.

24538. You have known many a failure ?—Nearly every man that comes to me and has used these cures has been a failure, or rather is in a worse condition. It injures the man physically. I believe the drug that is injected is a strong nerve tonic, and the reaction is so great that the man is in a worse condition after trying these cures. I have no belief in them. My experience is such that I think it is a pity that the law cannot stop them.

24539. Theoretically they are absurd ?—Yes.

24540. And you found them an utter failure ?—Yes.

24541. There is no simple method of treatment by drugs which will replace the more expensive institution treatment ?—No.

24542. (*Mr. Burden.*) I notice you suggest that all institutions dealing with inebriates should be licensed ? —Yes.

24543. By whom ?—By the Government, and in Scotland by the Scottish Office.

24544. Not by the local authority ?—No.

24545. What advantage do you think you will get ?— All my dealings with my patients are directly with the Scottish Office and after they come to me I have to notify them to the County Council. All my dealings are with the Scottish Office; I think it is useless having to go through another application.

24546. You think it would be a great advantage to have the licences granted by the central authority rather than by the local authority ?—Yes.

24547. (*Mr. Byrne.*) What method would you recommend for inebriates who themselves would not go to a Retreat ? How would you get them sent there ? Should the magistrates do it, or would it be the High Court ?— I think the simplest method would be—and it must be private—for two friends to make a request to the sheriff, saying that so and so was an inebriate, and then he could appoint two independent witnesses to inquire into the matter and let him commit if the statement was true.

JOHN CUNNINGHAM, Esq., M.B., C.M., J.P., called; and Examined

*John Cunningham, Esq., M.B., C.M., J.P.*

12 June 1906.

24548. (*Chairman.*) You have been so kind as to give us a statement of your evidence; may we put it on the notes?—Yes.

STATEMENT OF EVIDENCE PROPOSED TO BE GIVEN BY JOHN CUNNINGHAM, Esq., M.B., C.M., J.P., MEDICAL OFFICER TO THE "GIRGENTI HOME" FOR INEBRIATES BELONGING TO GLASGOW CORPORATION, PAROCHIAL MEDICAL OFFICER, DEPUTE MEDICAL OFFICER OF HEATLH FOR THE BURGH OF STEWARTON, SURGEON UNDER THE FACTORY ACTS FOR THE PARISHES OF STEWARTON AND DUNLOP, VISITING PHYSICIAN TO THE BOARDED-OUT PAUPER LUNATICS IN THE DISTRICT BELONGING TO GLASGOW AND GOVAN PARISH COUNCILS, J.P. FOR THE COUNTY OF AYR, INCOME-TAX COMMISSIONER OF SUPPLY FOR THE NORTHERN DISTRICT OF AYRSHIRE, MEMBER OF THE SCHOOL BOARD FOR TWELVE YEARS AND CHAIRMAN FOR NINE YEARS.

Since leaving Glasgow University in 1889, I have been engaged in general practice in a wide country district.

As parochial medical officer for the parishes of Stewarton and Dunlop, I have to grant medical certificates in all cases of lunacy, and examine all persons seeking admission to the wards of the Cunningham Combination Poorhouse. During the last twelve years I have acted for the Glasgow and Govan Parish Councils, as visiting medical officer to the boarded-out pauper lunatics in this district of Ayrshire.

In 1900 the Corporation of Glasgow appointed me medical officer to the "Girgenti Home" for inebriates, and since that time I have made a special study of the inebriate.

It is my intention to give evidence chiefly on the subject of "Inebriety," but I shall also be prepared to answer questions on my work in connection with other medical appointments.

The Girgenti estate was purchased by the Corporation of Glasgow for £7,000, but the managers have spent over £2,000 in making the place suitable for accommodating and treating the class of patients to be committed to the Home.

It was licensed as an Inebriate Reformatory on December 18th 1900, for the accommodation of twenty-eight male and thirty female inmates. This certificate was cancelled on September 12th, 1901, and the Home licenses. for the accommodation of fifty-eight female inmated According to the Act of 1898 the managers are entitled to state what inmates they are prepared to receive into the Home. After consideration it was agreed to admit persons belonging to Glasgow who by character and disposition might be expected to return to society when cured of intemperance. They must not be known thieves or belong to the criminal classes. Soon after the institution was opened, it was found that the majority of the available patients were paupers, and about 50 per cent. had convictions recorded against them for importuning.

The inmates are employed in the work of the house, dairy, orchard, and garden. In the winter-time and during wet weather most of the patients are occupied indoors. Eight patients are regularly employed in the kitchen; five are constantly engaged in the laundry; ten are usually engaged in connection with the farm work, cleaning, feeding, milking, etc., the cows; and the others are employed in the sewing-room, the garden, and tomato houses. In the summer-time all the inmates are employed outdoors, except those who have household duties to perform.

The average daily number of inmates in the reformatory for 1905, was 31·36; and, with the seven attendants included, the number of residents was on the average 38·36. The expenditure (exclusive of expenditure in the farm and garden account), amounted to £2,431 13s. 1d., equal on the average to £77 10s. 9¾d. per inmate per annum, or to £1 9s. 8¾d. per week. Of this weekly amount there was contributed by

| | | | |
|---|---|---|---|
| The Government | £0 | 10 | 8 |
| The Corporation | 0 | 18 | 8¾ |
| Sundry Revenues | 0 | 0 | 4 |
| | £1 | 9 | 8¾ |

The weekly expenditure, on the average, was as follows:—

| | | | |
|---|---|---|---|
| Salaries and wages | £0 | 3 | 2¼ |
| Groceries and provisions | 0 | 6 | 7¼ |
| Fuel, lighting, and water | 0 | 2 | 11¼ |
| Medical expenses | 0 | 0 | 11¾ |
| Clothing for patients | 0 | 1 | 1 |
| Travelling expenses | 0 | 1 | 8 |
| Furnishings and repairs | 0 | 0 | 6¾ |
| Other expenses | 0 | 2 | 10½ |
| | £0 | 19 | 10¾ |
| Interest and Sinking Fund | £0 | 8 | 2¾ |
| Secretarial, etc., expenses | 0 | 0 | 8 |
| Instalment of preliminary expenses | 0 | 0 | 11¼ |
| | £1 | 9 | 8¾ |

The cost of food, including the food of attendants, is equal to 6s. 7¼d. per inmate per week.

Patients on admission are very easily excited, and this condition may continue for several days. They complain frequently of headaches, and suffer much from exposure to cold and dampness. In every instance, there is a distinct improvement in the personal appearance after a few months' residence; and the restless, sleepless condition in which they are usually admitted disappears in a few weeks. Rheumatic or neuralgic pains are common, and the circulation of the blood is usually weak. Dyspepsia and several other diseases of the stomach, interfering with the nutritive functions of the body commonly occur, and a large percentage suffer from bad teeth.

Dysmenorrhœa, amenorrhœa and functional disturbance of the genital organs are common complaints requiring special treatment. There is no doubt that inebriety is closely associated with certain forms of insanity, and a considerable number of those admitted are persons who occupy the "borderland" between sanity and insanity. Amongst the patients, the following four types are easily recognised:—

(a) *First Class* embraces the excitable, explosive, hysterical patients with inability to control temper and passions.

(b) *Second Class* embraces the weak-minded, imbecilic patients who are perfectly indifferent to the surroundings, and make no attempt to conceal their position.

(c) *Third Class* embraces the largest percentage. The drinking "bout" has been of long duration. The patients are usually weak in physical condition and mental health. This condition of affairs has been associated with unhealthy surroundings, bad food, neglected education, and consequently produces a weakened mental condition, and exhausted and depressed body.

(d) *Fourth Class* embraces the accidental periodical drunkards, in which a period of depressio precedes the "bout." The patient's power of resist ance is small, and they are easily led for good or bad. There is a general feeling of weakness over the nervous system which may be caused by over-fatigue, worry, or bodily illness. In the first 100 patients admitted to "Girgenti Home" I found the following:—

| | |
|---|---|
| (*a*) Hysterical patients | 12 |
| (*b*) Moral paralytics | 9 |
| (*c*) Chronic inebriates | 65 |
| (*d*) Accidental drunkards | 14 |
| | 100 |

*John Cunningham, Esq., M.B., C.M., J.P.*

12 June 1906.

### Causes.

I have no hesitation in stating that *Mental Enfeeblement* is *the* cause of inebriety; but the character of the surroundings, especially the sleeping accommodation, bad food, insanitary buildings, badly ventilated and lighted workrooms, interfere in the first instance with the nutritive functions and afterwards alter the will-power of the individual.

The craving for alcohol does not begin at childhood, but is usually delayed until there are special demands on the nervous system—the majority admit beginning at from sixteen to thirty years of age.

The effect produced by alcohol on the brain differs very much according to the age of the patient. As a female has less resisting power, she is more susceptible to its influence, and, as a result, degenerations appear at an early age.

The largest number of inmates still come from the lower grades of society, and as they have been "in-and-out" the poor-house for years, they may be called "pauper inebriates." In considering the failures it must be remembered that the majority have been confirmed inebriates for from ten to twenty years, and were admitted suffering from physical conditions as the result of disease and accident.

I believe that, in the course of time, especially if the inmates are about thirty years of age, a large percentage can be cured. Youth and good physique appear to me of more importance than the number of convictions. As a matter of fact, one patient was only thirty-seven years of age and yet she had 197 known convictions, whilst another, much older, had only a few convictions recorded against her. In the former case the patient improved much in personal appearance, gained in weight, did good work in the institution and on her liberation on licence; whilst the latter gave the management the greatest possible trouble, matured schemes for the escape of others, and relapsed within a few days when liberated on licence.

*Transfers to the State Reformatory.*—Since the opening of the Home fourteen patients have been transferred to the State Reformatory for persistently breaking the rules of the institution, causing breach of the peace, using bad language, assaulting inmates and officers, destroying the furniture and property, and, consequently disturbing the discipline of the institution.

*Absence of Morality.*—I regret to state that amongst inebriates there is nearly complete absence of morality. The patients in the Home nearly all blame their husbands and friends, and deny they took alcohol to any great extent. They advance all sorts of excuses for the convictions recorded against them. It is nearly impossible to rely on any distinct promise given.

*Heredity.* I regret to state that I cannot give a decided opinion regarding heredity in alcoholism, amongst our inmates, but the majority admit having a drunken father. This statement inclines to what is known as "crossed heredity." I am of opinion that it is not the disease that is inherited, but rather the tendency to the disease, and this shows itself in inebriety, epilepsy, hysteria, cerebro-spinal symptoms, headache, neuralgia and insanity.

*Insanity among the Inmates.*—Since the opening of the institution five inmates have been transferred to the wards of the lunatic asylum. A few still occupy "a border-land" position, occasionally causing the greatest trouble to the staff by exhibitions of temper, using foul language, fighting and quarrelling with other inmates.

Several inmates have previously been treated on account of mental illness in other institutions.

*Drug Treatment.*—During 1902 I made exhaustive inquiry regarding the so-called "cures" for alcoholism by secret drug treatment, without being able to recommend any of them for use in the Home. Last year, on the recommendation of a medical gentleman, who claimed most wonderful results, I was persuaded to try the administration of Atropine Sulph, $\frac{1}{100}$ of a grain, in the form of a *tabloid*, and a mixture containing quinine, sodium, ammonia and aloin.

Twenty-two inmates willingly consented to proceed with the treatment for one month, and suffered more or less from sickness, vomiting, diarrhœa and bilious symptoms for a few days. After the third day the medicine acted as a tonic and a more liberal diet was permitted as a result of increased appetite. No special selection of the patients took place. In December last, when writing my annual report, I gave the following as the result of the experiment:—"Three patients, who when previously licensed out, had relapsed, have remained total abstainers; eleven patients have returned to their former habits, and eight patients have still to be liberated on licence before I can give a decided opinion regarding its success." During the last few weeks I have learned that the three patients have now also relapsed, and the result of the experiment may be said to have ended in failure.

*Failures when Liberated.*—With regard to the hopeless cases in which there is distinct mental enfeeblement, I am of opinion that they should not be liberated at the expiry of their sentence, but should be sent to the wards of a poor-house with compulsory detention power, or kept constantly under supervision by boarding them out in the country, in the same manner as followed, in Scotland, with harmless pauper lunatics. Such patients drink or abstain according to the company with which they are associated. Their progress and definite result depends upon the surroundings and conditions of life. They have small resisting power and simply adapt themselves to suit their companions.

Several apparently hopeless patients when liberated on licence as farm servants, performed their duties to the entire satisfaction of their employers. They accumulated a few pounds in savings and gathered together a fair supply of good clothing. Immediately they returned to Glasgow and their old companions they relapsed into their former habits. However honest their wish may be to live soberly, they have not sufficient strength of will to resist strong and repeated temptation. To illustrate this fact I may mention the following inmates, viz., number 2, was thirty-seven years of age, married, and had 186 known convictions; number 6 who was forty-five years of age, married and had sixty-nine known convictions; and number 17, who was forty-two years of age, married and had thirty-five known convictions. Since liberation they have been frequently in prison. While on licence, in the employment of well-known farmers, earning from £12 to £16 per annum, I received the following reports:—

*Number* 2.—"I am pleased to be able to inform you that ———— has been in my employment for the last fourteen months. During that time she has been attentive to duty, kind to the children, settled in her work, and a distinct credit to the Home."

*Number* 6.—"It is with pleasure that I am able to say since ———— came to us eight months ago she has been most civil and obliging at all times and very attentive to the faithful discharge of all her duties; and, more especially since my sister has been unable to superintend the general care of the dairy cows, she has done exceedingly well. Whether she stays with us or not, I have nothing but good to say about her."

*Number* 17.— ———— has been in my employment for the last three months as a farm servant. She takes a great interest in the cattle and carries out her orders in a satisfactory manner. We would be sorry to lose her services and hope she will stay with us for a long time."

**Question 24548.**



*John Cunningham, Esq., M.B., C.M., J.P.*

12 June 1906.

RESULT OF INSTITUTION TREATMENT, WITH PRESENT CLASS OF PATIENTS.

(1) INMATES DISCHARGED DURING YEAR 1904.

| No. | Age on Admission. | Religion. | Social Condition. | Occupation. | Convictions before Committal. | Date of Discharge. | Convictions since Discharge. | | General Remarks. |
|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | For Drink. | For other Offences. | |
| 2 | 37 | Protestant | Married | Housekeeper | 186 | 30th Jan., 1904 | 10 | 1 | Did well while under supervision. |
| 3 | 40 | " | " | Weaver | 23 | 15th Sept., " | 1 | 3 | Poorhouse case. |
| 6 | 45 | " | " | Country servant | 69 | 14th Feb., " | – | – | Did well while on license present address not known. |
| 7 | 24 | " | " | Domestic servant | 4 | 19th " " | – | – | In Glasgow; married since expiry of sentence. |
| 8 | 42 | " | | Confectionery worker | 59 | 11th March, " | 9 | – | Died since expiry of sentence. |
| 10 | 29 | " | " | Confectionery worker | 100 | 3rd April, " | 1 | – | In domestic service in Glasgow; doing very well. |
| 11 | 39 | " | Single | Laundrymaid | 58 | 9th " " | 5 | – | In Edinburgh Poorhouse. |
| 13 | 29 | " | Married | Domestic servant | 34 | 25th May " | – | – | Married since expiry of sentence, and doing very well. |
| 17 | 42 | R.C. | " | Weaver | 35 | 22nd July " | 8 | – | Did well while on license and under supervision relapsed since. |
| 20 | 23 | Protestant | Single | Confectionery worker | 18 | 18th Aug., " | 6 | 6 | Relapsed. |
| 22 | 45 | " | Married | Charwoman | 35 | 23rd " " | 2 | – | Mentally and physically unfit. |
| 23 | 23 | R.C. | Single | Hawker | 54 | 24th " " | – | – | In Glasgow. |
| 24 | 28 | " | " | Millworker | 41 | 27th " " | – | – | Last heard of in Barnhill Poorhouse. |
| 26 | 44 | " | Married | Housekeeper | 17 | 13th Sept., " | 3 | 3 | Relapsed. |
| 27 | 32 | " | " | " | 103 | 9th Dec., " | 6 | 3 | Relapsed. |
| 28 | 28 | Eng. Ch. | " | Charwoman | 19 | 10th Sept., " | 1 | – | In Glasgow. |
| 29 | 32 | R.C. | Single | Weaver | 96 | 14th " " | – | – | In Glasgow. |
| 30 | 21 | " | Married | Housekeeper | 7 | 3rd Nov., " | – | – | With husband in Glasgow; doing very well. |
| 31 | 31 | Protestant | " | Laundrymaid | 14 | 29th Sept., " | – | – | In Glasgow: doing well. |
| 33 | 37 | " | Single | Domestic servant | 45 | 30th " " | – | – | Died since expiry of sentence. |
| 34 | 45 | R.C. | " | Dressmaker | 34 | 3rd Oct., " | 5 | 1 | Relapsed. |
| 37 | 30 | Protestant | Married | Stillroom maid (Hotel) | 7 | 7th Nov., " | 1 | – | Relapsed. |
| 38 | 37 | " | " | Housekeeper | 51 | 11th " " | 13 | 3 | Relapsed; mentally and physically weak. |
| 39 | 32 | R.C. | Single | Millworker | 47 | 16th " " | 2 | – | Relapsed. |
| 40 | 39 | Protestant | Married | Housekeeper | 11 | 26th " " | 1 | – | With husband in Glasgow. |
| 41 | 45 | " | " | Mantlemaker | 111 | 26th " " | – | – | Poorhouse case. |
| 42 | 39 | " | " | Domestic servant | 27 | 13th Dec., " | – | – | Last heard of in Liverpool. |
| 43 | 40 | " | Single | Millworker | 91 | 24th " " | 2 | – | Poorhouse case. |
| 46 | 61 | " | Married | Housekeeper | 60 | 26th " " | – | – | Housekeeper in country; doing very well. |

The average age of these inmates being 36.

From the foregoing statement it will be seen that 17 out of 29 inmates (=58·6 per cent.) discharged during the year 1904 have, since the expiry of their sentences, been convicted of being drunk.

(2) INMATES DISCHARGED DURING YEAR 1905.

| No. | Age on Admission. | Religion. | Social Condition. | Occupation. | Convictions before Committal. | Date of Discharge. | Convictions since Discharge. | | General Remarks. |
|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | For Drink. | For other Offences. | |
| 44 | 27 | Protestant | Single | Domestic servant | 48 | 3rd Jan., 1905 | 3 | 5 | Relapsed. |
| 45 | 39 | „ | Married | Charwoman | 26 | 13th Feb, „ | – | – | In Glasgow; married since expiry of sentence. |
| 47 | 36 | „ | „ | „ | 22 | 9th Jan., „ | 2 | – | Did well while on license, but relapsed since discharge. |
| 50 | 33 | „ | „ | Millworker | 7 | 28th Oct., „ | – | – | Has had convictions for drink since expiry of license in Ayr. |
| 51 | 34 | „ | Single | Charwoman | 7 | 21st Feb., „ | – | – | In Glasgow and country, according to work. |
| 52 | 46 | „ | Married | Housekeeper | 12 | 18th „ „ | – | 2 | Mentally weak. |
| 53 | 37 | „ | „ | „ | 9 | 4th March, „ | – | – | With husband; has done excellently. |
| 55 | 21 | R.C. | Single | Dish hawker | 11 | 16th Nov., „ | – | – | In Glasgow. |
| 56 | 26 | Protestant | „ | Stay maker | 11 | 22nd June, „ | 2 | – | In Glasgow. |
| 58 | 30 | R.C. | Married | Laundrymaid | 13 | 18th „ „ | 6 | – | Hopeless case. |
| 59 | 59 | „ | „ | Clothes hawker | 9 | 5th July, „ | 2 | – | In Barnhill Poorhouse. |
| 60 | 29 | „ | Single | Domestic servant | 6 | 12th „ „ | – | 1 | In Glasgow. |
| 61 | 29 | „ | „ | Weaver | 32 | 24th „ „ | 2 | – | Poorhouse case. |
| 62 | 32 | Protestant | Married | Machinist | 6 | 29th Oct., „ | – | – | In domestic service in Glasgow; has done exceedingly well. |
| 63 | 17 | R.C. | Single | Housekeeper | 5 | 2nd Dec., „ | – | – | In Glasgow; on the down grade since expiry of sentence. |
| 65 | 32 | Protestant | „ | Millworker and domestic | 10 | 22nd „ „ | – | – | In domestic service; has done well. |

The average age of these inmates being 33.

From the foregoing statement it will be seen that 6 out of 16 inmates (=37·5 per cent.) discharged during 1905 have, since their discharge, had convictions recorded against them for being found the worse for liquor.

*Treatment* is essentially the same as that for mental disorders. "A healthy mind in a healthy body" is the whole aim of treatment. To gain this end we must have (*a*) total abstinence; (*b*) removal of predisposing and exciting causes; (*c*) restoration of the general tone of the body and mind; and (*d*) full employment of body and mind.

I believe in keeping the inmates in constant employment, and, if the condition of their health permits, as much as possible in the open air. With some inmates this is nearly impossible, as they suffer so much from exposure to cold and dampness. Change of work is also encouraged to occupy the mind with new duties and new thoughts; and, to assist to tide over periodical, nearly irresistible demands for alcohol which appear at intervals, causing disturbance in the home and attempts to escape.

I am of opinion that inebriety should no longer be considered a crime or a social evil, but rather a distinct disease with well-known symptoms requiring treatment like all other diseases of the nervous system.

For some time I have had under consideration the advisability of recommending the managers to separate the inmates into two distinct classes as regards sleeping accommodation, dining hall, and recreation rooms. The one class would embrace those willing to adhere to the rules of the institution, and anxious to do well. They do not require constant supervision and might be allowed greater freedom in the house and grounds. The other class would embrace the weak-minded imbecilic patients and those who watch every opportunity for escaping, display fearful exhibitions of temper, constantly break the rules of the institution, fight with other inmates, and consequently require the same close attention as inmates of a lunatic asylum.

From the unsatisfactory results following the present Inebriates Acts, Mr. A. W. Myles, Town Clerk, Glasgow, Mr. William H. B. Martin, Town Clerk, Dundee, and Mr. Thomas Munro, County Clerk of Lanarkshire, have prepared a Bill to amend the Inebriates Acts, 1879–1900, in their application to Scotland. The most important addition appears in Clause 7, where power is asked to detain persons who are unwilling to admit that they are habitual drunkards, and although they are speedily reducing themselves and their families to starvation, yet keep out of the hands of the police.

If the new Act becomes law, a relative or the legal guardian of the person has to commence the proceedings, and in the first place has to satisfy the sheriff, or two magistrates or two justices of the peace, that there is a *prima facie* case for asking that the person complained of should be sent to an inebriate reformatory. He then presents the petition to the sheriff, who may order the person complained of to be cited to appear for trial. If after trial the sheriff is satisfied that the person is a habitual drunkard, and by reason of his conduct and habits of life is a fit and proper person for treatment in an inebriate reformatory, he may order him to be sent to such a reformatory.

The person is further protected by provision being made (1) for any of the relatives appearing in opposition to any application to send him to a reformatory, and (2) for the person himself, after he is in a reformatory, applying to the sheriff of the county in which the reformatory is situated, for his release.

*John Cunningham, Esq., M.B., C.M., J.P.*

12 June 1906.

CONCLUSIONS WITH REGARD TO INEBRIETY :—

(*a*) Inebriety is a disease closely allied to insanity in causation, etc.

(*b*) Treatment is essentially that of mental disorder.

(*c*) Urgent necessity for the compulsory detention of "non-convicted" cases.

(*d*) Necessity for after-care. Chronic or incurable cases should be boarded-out under constant supervision and medical inspection.

(*e*) Certified inebriate reformatories are at present useful for segregation.

(*f*) Failure of results in "drug cures," with present class of patient.

BOARDED-OUT PAUPER LUNATICS.

In connection with the boarding-out of pauper lunatics, in Scotland, the following are the most important regulations :—

Every pauper lunatic, whose residence in any private dwelling has been sanctioned by the Board, must be visited within three weeks after such sanction has been granted, and at least every three months thereafter, by a medical man appointed to perform that duty by the parish council of the parish to which the lunatic is chargeable, unless the Board shall, on special application by the inspector of poor, otherwise regulate such visits ; and the medical officer shall at every such visit enter in the visiting book, which shall be kept in the house in which the lunatic resides, a report of the mental and bodily condition in which he found the lunatic, with any suggestions or recommendations for improving the condition of the patient which he may think desirable.

Any medical person who shall make any such entry without having visited the patient within seven days previous to such entry, is liable in a penalty not exceeding £10 for every such offence.

Suggestions or recommendations for improving a patient's condition, recorded by the medical officer, shall be at once reported by him to the inspector of poor of the parish to which the lunatic is chargeable, who shall either see that they receive immediate effect, or shall report to the Board his reasons for not carrying them out.

The following is an exact copy of :

REPORT BY MEDICAL OFFICER.

*To be filled up Quarterly.*

Name of Patient,———
State of Mental Health,———
State of Bodily Health,———
State of House,———
———
State of Bedding,———
State of Clothing,———
State of Personal Cleanliness,———
Has any Accident, Escape, or other exceptional event occurred since last visit ?———
Suggestions and Recommendations,*———
———
———

(*Signature*)———
(*Date*)———

*Recommendations requiring the attention of the inspector of poor should be immediately notified to him by the medical officer.

The sleeping room occupied by the patient must be free from damp and well-ventilated. The bed must be comfortable and the bed coverings suitable and sufficient for the season of the year. The guardian must keep all clothing clean, and in good repair, and attend strictly to the personal cleanliness of every patient. Guardians must take their meals along with the patients, at the same table, and supply them with the same kind of food as they themselves take, unless the medical officer shall decide otherwise.

The food must be sufficient in quantity, of good quality, and carefully cooked.

Guardians must find suitable work for the patients, and it is desirable that every patient should have out-door exercise every day when the weather is suitable. Patients must be treated as members of their own families, and punishment or mechanical restraint in any form is absolutely forbidden.

The majority of the patients are able to perform light household duties, feed poultry, and assist with the work of the garden, whilst a few can milk cows and help with the making of butter, etc.

In this locality guardians are paid from 6s. to 7s. for each patient, per week, and consider the profit after providing food is about 2s. each, with the addition of the work done.

With the exception of four females, all my boarded-out patients reside at small farms or wayside cottages with a large garden.

In this district boarded-out patients are well looked after by the guardians. The majority improve in personal appearance and gain weight. A few can be trusted to come to town for messages. On the whole they enjoy very good health, and accidents are rare amongst them.

24549. (*Dr. Dunlop.*) You heard what the last witness said about the close connection that there is between an inebriate and a mentally defective person ?—Yes.

24550. Do you agree with what he said ?—Yes.

24551. The experience at Girgenti, although the cases are carefully selected, is that a very large proportion indeed are mentally deficient in some form ?—Yes.

24552. Do you agree with the previous witness as to the uselessness of drug treatment ?—Yes, I gave it a trial myself, and I found it was a distinct failure.

24553. You made a genuine endeavour to test it, it was done enthusiastically and fairly all round ?—Yes, and I administered the drug in the form of a tabloid.

24554. And it was an absolute failure ?—Yes.

24555. Did you hear me talking about the appointment of a *curator bonis* for drunkards of the better class ?—Yes.

24556. Would a similar guardianship or after-care be any use for reformatory cases ?—Yes, I think so.

24557. The appointment of a *curator bonis* who would receive the wages and take a general care and supervision over the unfortunate ?—Yes.

24558. Your experience of Girgenti has led you to that conclusion ?—Yes.

24559. Several of the inmates are well behaved for two or three years under that supervision, but whenever liberated they fall back again ?—Yes.

24560. An arrangement for after-care would be a very valuable addition to the ordinary reformatory treatment ?—Yes.

24561. I think the Glasgow Corporation are very strongly of that opinion ?—Yes.

24562. And they, as experienced men, would gladly welcome that ?—Yes.

24563. There is another matter on which you might give us a little information. The Glasgow Corporation, who are the managers of your reformatory, have drafted a Bill to make amendments on the present Inebriates Act ?—Yes.

24564. Is that public property ?—I have a copy of it here. (*Hands in copy of Inebriates Amendment (Scotland) Bill.*)*

24565. You personally agree with the conclusions stated here generally ?—Yes, particularly with Clause 7 where power is asked to detain persons who are unwilling to admit that they are habitual drunkards, etc.

24566. The procedure under Clause 7 is very complicated ?—Yes, it is a little, but the liberty of the subject is pretty well safeguarded, because any relative can appear in opposition to the application, and the person himself can appeal to the sheriff of the county in which the reformatory is situated for his release at any time.

24567. Your managers desire that the power of compulsory detention should exist, and they concern themselves more with that than with the actual procedure ?—Yes.

* *Vide* Appendix Papers pages 347-351, *post*.

24568. The other point on which you have given us evidence is about the boarding-out of pauper lunatics. You have considerable experience of that in your district in Ayrshire ?—Yes.

24569. Your general impression is very favourable ?—Yes, the lunatics are very well looked after; they improve in appearance and their mental condition must also improve, because they are often very weakly when they come; they are not at all well bodily. They gradually get better, and are sent messages and are trusted with money, and they bring back the change very correctly.

24570. It works very smoothly ?—Yes.

24571. I think you hold the opinion that the application for a curatorship in certain cases should be done by the public authority to relieve private people ?—Yes.

24572. It would relieve the medical practioner and the friends from doing a very unpleasant act ?—Yes.

24573. That is a point which you consider is part of the necessary treatment of defective persons ?—Yes.

24574. (*Mr. Byrne.*) Is there any difficulty experienced in Scotland in getting a woman or man convicted under Section 2 of the Act on account of the definition of "habitual drunkard" in the Act of 1879 ? Do magistrates or judges have fantastic views of the meaning of those words in Scotland ?—I do not think so.

24575. You know about the Yorkshire case in England ?—Yes. We have not experienced that.

24576. You understand the difficulty ?—Yes, but it has not cropped up.

24577. You do not sympathise with the views in Yorkshire ?—No.

24578. The definition seems clear enough to you ?—Yes.

24579. Have you ever heard any reasonable suggestion that the definition could be improved ?—No, but I think it should include the drug taking, either through the skin or by the mouth. Otherwise it is quite satisfactory.

*John Cunningham, Esq., M.B., C.M., J.P.*

12 June 1906.

24580. (*Dr. Dunlop.*) I think both from your personal experience, and also from the experience of your managers, you are of opinion that the Inebriates Act can never be a success until it is universally applied ?—That is so, until the Act takes in all cases of inebriates it must be a failure to a certain extent.

24581. Whether they are reformable or irreformable ?—Yes, they must be all treated.

24582. The primary benefit to be derived is the segregation of that most undesirable class ?—Yes, Girgenti has proved that in every way.

24583. Segregation and keeping them out of the way ?—Yes

24584. (*Mr. Byrne.*) Girgenti costs a good deal ?—Yes.

24585. Do you think there is any reason why all such inebriate establishments should be conducted at that rate of expense ?—The extraordinary expenses make it very high. There is not very much wrong with the food and other things, but there is interest on sinking fund amounting to 8s. 2¾d. per head per week, the expenses of the secretary 8d. per head per week, and the primary expenses 11½d. Then we have fifty-five acres of land. The estate consists of a fairly large dwelling house and a large garden and fifty-five acres of ground. I think the whole estate cost the corporation some £7,000.

24586. (*Chairman.*) What do you do with the estate ?—We employ the inmates on it. They get employment in the garden, and then we have cows, chickens, tomato houses and a laundry.

24587. (*Mr. Byrne.*) Inebriate retreats could be erected at a less cost ?—Yes.

24588. There are some far higher, but there are some very much less ?—Yes, but that is the explanation, the extraordinary expenses.

24589. (*Chairman.*) Is there anything you would like to add ?—No.

## FIFTY-FIRST DAY.

*Wednesday, 13th June, 1906.*

AT THE CALEDONIAN STATION HOTEL, EDINBURGH.

PRESENT.

The Right Hon. The EARL OF RADNOR (*in the Chair*).

W. P. BYRNE, Esq., C.B.
C. E. HOBHOUSE, Esq., M.P.
F. NEEDHAM, Esq., M.D.
The Rev. H. N. BURDEN.
W. H. DICKINSON, Esq., M.P.
Mrs. PINSENT.
J. C. DUNLOP, Esq. M.D.

HARTLEY B. N. MOTHERSOLE, Esq. M.A., LL.M. (*Secretary*).

W. GUTHRIE, Esq., LL.D., called; and Examined.

24590. (*Chairman.*) Will you kindly tell us how long you have been sheriff ?—I have been sheriff for four years, and sheriff-substitute in Lanarkshire since 1874.

24591. You have been so kind as to give us a statement of your evidence; may we put it on our notes ?—Yes. It discloses the fact that I know very little of the subject of your inquiry.

24592. We are only anxious to get your views as to the legal aspect of the question ?—I should think so.

STATEMENT OF THE EVIDENCE PROPOSED TO BE GIVEN BY W. GUTHRIE, ESQ., ADVOCATE, LL.D., SHERIFF OF LANARKSHIRE.

I am not able to add to the information which the Commission already possesses. I can only concur in the statements as to the law of lunacy in Scotland of Mr. Spence, Dr. Carswell, and Dr. Macpherson, and I have not been led to mark any points as to which I should have to differ from or criticise their views of the existing practice. I have no knowledge as to the number or condition of "feeble-minded" persons in Scotland.

*W. Guthrie, Esq., LL.D.*

13 June 1906.

With regard to legislative changes, I am not willing and have no right from the state of my knowledge to dogmatise; but long experience in the busiest sheriff court in Scotland has led me to some distinct opinions on matters which have often come under my notice

1. I deprecate any multiplication of Government Departments, and can see no reason for removing the feeble-minded (if that class is to be the subject of State care) from the Lunacy Board.

*W. Guthrie, Esq., Ll.D.*

13 June 1906.

2. I am averse from any extension of the powers of town councils, parish councils, or any small local bodies. They are apt to be extravagant in spending public money. Even larger bodies, in which one expects to find men of higher standing and culture are guilty of the same error, even in a greater degree, and all alike are open to the invasion of faddists and sectarians. While they are able to procure Acts of Parliament under the new system of Provisional Orders, and to make bye-laws affecting the life and comfort of the people, they have not the check of a House of Lords, and the check—occasionally not always imposed—of the sanction of the sheriff or the Scotch Office, is not, I fear, always efficiently applied.

3. Any extension of the powers of lay magistrates in committing persons to long terms of detention is not desirable, and I believe would not be popularly approved.

4. An enlargement of the powers of the Sheriff Court to order the detention of confirmed inebriates, after ample proof that they come within a wisely framed definition of "habitual inebriates" is most desirable. The detention ought to be as much as possible for cure, but in many cases would have to be for the public safety, comfort and decency.

5. I am not aware that really feeble-minded or insane delinquents and criminals are not properly attended to. In all probability some improvement of the method of dealing with them may be required. But I have a clear opinion held for a long time that the system of passing repeated short sentences for small offences is a mistake, and that where long sentences are necessary, there should be a change of the law enabling measures of reform to be tried in labour colonies or in similar places. But all must depend on the due organisation of these reformatory places of detention.

24593. (*Mr. Byrne.*) Will you tell us whether you are satisfied with the existing criminal law that you administer in its application to feeble-minded prisoners who are not dealt with before you as insane. Does it work injustice to these prisoners in any way?—I do not say that the law works injustice to them, but I think it might be improved in many cases with a view to their reformation and training.

24594. The Scotch law as regards insane prisoners is much the same as the law in England, that is to say, a person can be found unable to plead?—Yes.

24595. Or he can be found guilty of the act, but insane?—Yes.

24596. Can he be acquitted on the ground of insanity?—That may happen if the jury chooses.

24597. Is the verdict "guilty, but insane," sufficient to absolve all persons whose mental condition is such that they ought to be absolved?—That raises the question of whether a feeble-minded person ought to be convicted or not.

24598. Precisely?—I do not think the conviction of a feeble-minded person can do any harm provided he is properly taken care of afterwards, and I apprehend that that falls within the province of the Prison Commissioners.

24599. You would not recommend any change in the criminal procedure?—I think that the judges sitting in criminal matters in Scotland have perhaps too little information to enable them to pronounce a reasonable sentence in all cases. Where the plea of guilty is tendered they know nothing of the character and antecedents or prospects of reformation of the prisoner except what they gather from the statements put before them by the prosecutor. These statements are in some cases the procurator fiscal's own precognition; in some of the cases before the sheriff merely police information taken down by police officials more or less intelligent, the sergeants or the lieutenants.

24600. I gather from your statement No. 5, that at any rate as regards your power of passing sentences you would like to have some additional power; you say that repeated short sentences for small offences are a mistake?—We have the power to pronounce long sentences so long as they are merely sentences of imprisonment. We do not pronounce sentences of penal servitude. If we think it proper or probable that a sentence of penal servitude should be pronounced, then we have power to remit to the Court of Justiciary.

24601. When you say that there should be a change of the law enabling measures of reform to be tried in labour colonies or in similar places, do you mean that to apply to cases in which at present under your existing powers you can only give repeated short periods of imprisonment?—Yes, but the question remains whether such an inquiry should take place before the sheriff trying the case, or whether he should pronounce a sentence, and the mode of disposing of the prisoner should be determined later on by the Prison Commissioners or some other person.

24602. Have you thought out the machinery for that?—No.

24603. Which do you recommend?—I think that in Scotland, and probably in England also, the ordinary judges have got into a way of hurrying through their business somewhat in courts, and it would require a considerable change in temper and procedure if an inquiry were to be made in court as to what was the best mode of treating the prisoner. Probably it would be more satisfactory to the public if such an inquiry were held in court if time could be found for it.

24604. You know the system of the Inebriates Acts?—A little; we have very little to do with them. As you are aware, they do not work well.

24605. There are very few cases in Scotland?—Yes. The Acts are so restricted in their application that we cannot find inebriates to commit to the asylums.

24606. Do you think that the system might be extended to petty offenders of defective mind other than inebriates?—I have not thought of it, but it seems a reasonable extension.

24607. You are in favour of long reformatory sentences for certain classes of petty offenders?—When they have a certain number of convictions against them it is desirable that a reformatory sentence should be passed.

24608. Are you satisfied that three days or seven days is not a reformatory sentence and cannot be?—That is so.

24609. What do you mean by No. 3, "Any extension of the powers of lay magistrates in committing persons to long terms of detention is not desirable"? Does that mean that the improvement of the law which you have now suggested should be confined to the trained lawyers, the sheriffs and their substitutes, and not given to the bailies?—As I understand, the same haste to which I have already referred exists with the bailies in court. They have other business to attend to, and they are driven to their court in a cab or brougham—they do not call it a cab—and it is of importance to them to get to their ordinary vocations as soon as possible. I believe they like to sit in court and rattle through a great many cases just as some sheriffs do, but I do not think the people are satisfied with that way of doing business, and they would not rely upon their competency to deal with important cases and with long sentences in the same way as they do with a trained sheriff.

24610. If it were feasible to have these long reformatory sentences fixed by the Secretary for Scotland on the advice of the Prison Commissioners or something like that, would you prefer that system? Would you like a man to be confined for an indeterminate time, and have his actual treatment decided by the Prison Commissioners when they had had time to look up his past record and character and so on?—It depends very much on the organisation of the department of the Secretary for Scotland. If it were thoroughly organised and arranged for that purpose it might work well enough, but probably there should be a public enquiry in the first instance when sentence is being pronounced by the judge trying the case, so as to put the prisoner in a certain category, after which he might be dealt with according to circumstances by the permanent officials.

24611. Will you tell us whether in your opinion sufficient protection is given by the criminal law of Scotland to girls and women of feeble mind against sexual offences?—I am not aware that there is any want of proper protection afforded by the risk of criminal prosecution. I do not know whether that is what you refer to.

24612. I was thinking more of cases in which a woman has such a defective mind that she is really unable to give her reasonable consent to what is done to her, and she falls an easy prey to any man who does not mind using some violence. It has been suggested to us that it would be proper in the case of these feeble-minded women to make it the law that any man having connection with such a woman should do it at his own risk, and it should be a criminal offence so long as her feeble-mindedness was proved. Would you approve of that?—I should hesitate to give an opinion about that. There would be certain risks in throwing the burden on the man to prove that the woman was of competent mind. It would be a very hard thing on the prisoner to be obliged to prove that the woman was of sound mind and able to consent; but I do not care to give a very positive answer to that point.

24613. (*Mr. Hobhouse.*) Are you in a position to say whether the state of public opinion in Scotland is such that it would agree to the passing by a judicial authority like yourself of a sentence of indeterminate detention of a feeble-minded person committing a crime?—Well, sir, that is already the case in regard to lunatics—the sheriff practically passes sentence of detention for an indeterminate period. If proper precautions were taken and if there were provisions made for liberation when circumstances demanded it, then I do not see why in the one case more than in the other an indeterminate sentence might not be pronounced.

24614. And you would feel no difficulty and have no hesitation in pronouncing that sentence if the duty were laid on you?—No, not if I were made aware, as in the case of lunatics, that there was no risk of unfair detention being continued when there was no further occasion for it. It all depends on the organisation of the public departments charged with the care of such persons.

24615. (*Mr. Dickinson.*) What do you think of the present organisation that safeguards lunatics in that respect?—I am not quite sure that it is perfect. I understand that lunatics are more likely to be discharged prematurely in Scotland than to be detained too long. They are visited by the Lunacy Commissioners, who ascertain whether a cure has been effected, but in many cases, so far as I can see, the superintendent of the lunatic asylum has the power to dismiss them.

24616. You are speaking of the public lunatic asylums, of course?—Yes.

24617. In the case of private asylums the only organisation would be the Lunacy Board?—I understand the Board of Lunacy have ample powers in that respect.

24618. And you think that power is sufficient to safeguard the public against any abuse in private asylums?—Yes.

24619. (*Dr. Dunlop.*) You were criticising the Inebriates Acts in saying that they failed to catch the inebriates—I think you said that you could not find the inebriates in Glasgow?—They do not get the inebriates unless they commit a crime. I think, if I may be allowed to say so, there should be a power of trying a man on the mere ground that he is an habitual inebriate and he should be confined for a certain period or indeterminately under proper safeguards.

24620. Your remark was *apropos* of the non-police court cases?—Yes.

24621. There is machinery to deal with police court drunkards at present?—Yes, but it is not often put in force.

24622. There have been 130 cases dealt with in Glasgow?—I am not aware of that. I have not myself been sitting in the criminal courts for some years back.

24623. Your opinion is that there is a requirement of some method of catching the habitual drunkard?—Yes, and I think public opinion in Scotland is ripe for some alteration of the law in that direction.

24624. Are you aware of the Bill that the Glasgow Corporation have prepared?—I do not know the details of their Bill.

24625. One of their clauses is for the compulsory detention of non-committed cases. That is in harmony with your general opinion?—Yes.

24626. In talking about the matter of magistrates having judicial authority when mental weakness is a ground for prolonged detention, I think you said that one objection was that they were always in a hurry?—I should not like to say that magistrates are always in a hurry, but one has that impression. *W. Guthrie, Esq., Ll.D.* 13 June 1906.

24627. Is it not an objection to the use of magistrates for such a purpose that they have not got the necessary legal and judicial training? They are very important decisions?—I do not think that public opinion would tolerate the giving of power of that kind to lay magistrates.

24628. In England they have very much wider power than they have in Scotland?—I think so, but you have the Chairman of Quarter Sessions, who is a lawyer.

24629. (*Chairman.*) Not necessarily.

24630. (*Dr. Dunlop.*) For instance magistrates can sentence for six months or a year and so on. Public opinion, at all events in Scotland, is not in favour of extending the power of magistrates?—No; on the contrary, there is an outcry in some quarters in Glasgow for the appointment of a stipendiary who is a lawyer and who would take the place of the magistrate in the more important cases.

24631. Another point you mentioned was whether it was advisable to diagnose mental incapacity in a prisoner before sentence or after sentence. I take it from you that you are in favour of the procedure in most cases being after sentence; they have a wider power of observation in prison?—I am not quite sure.

24632. If a doubtful case comes up for petty theft, should the inquiry into that man's mental condition be before sentence, or would it equally well be done after sentence when he is in prison?—After sentence, of course, it is done privately. I do not know whether the public would care to have a man adjudicated upon by a private inquisition. That, and whether it would be conformable to our constitutional principles, are questions that would require to be very seriously considered.

24633. Of course, it only amounts to a lunacy certificate, and that is done in private in Scotland?—It comes before the sheriff in his open court.

24634. Are these certificates signed in the open court or in chambers?—In chambers, but in Glasgow and in other places the chambers are an open court. When a sheriff is sitting in chambers anyone is entitled to go in.

24635. As a matter of fact, no one does go?—That is so in the case of lunacy warrants.

24636. The sheriff has the same control over lunacy certificates in prisons?—I suppose he has.

24637. The reason I was asking that is this: are you aware of the terms of Section 89 of the 1857 Lunacy Act, which provides for the sheriff making an inquiry in prison with the assistance of two medical men, and if he finds the prisoner to be insane he reports to the Secretary for Scotland who orders his detention until such time as he is satisfied that the person is sane?—I have had no experience of the section.

24638. There has only been one case dealt with in Scotland since it was passed, and that was in Shetland. Do you think the principles of that are sound? We have had evidence that the section ought to be extended and brought into use?—I am not quite sure that I follow you.

24639. The difference between a certificate under that section and a certificate under Section 14 or 15, or under Section 6 of the Prisons Act, is that it prevents the prisoner being discharged when the medical officer writes down the word "recovered"; evidence to the satisfaction of the Secretary for Scotland has to be produced?—That is to put some check on the power of the superintendent to discharge?

24640. Yes?—It has occurred to me in reading some of the evidence given before this Commission that some alteration in that direction might well be made.

24641. It is very necessary?—I think so; but what the alteration shou'd be would, of course, require consideration.

24642. It would require full consideration?—Yes, it might be a *quasi* judicial inquiry.

24643. But the sheriff makes the inquiry and reports to the Secretary for Scotland?—Yes, I beg your pardon, I did not remember that.

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24644. That would quite meet your views ?—Yes, I think so.

24645. You will be of opinion that the habitual inebriate is to all intents and purposes incapable of managing his affairs ?—More or less. It is a question of degree.

24646. But when you get an extreme case ?—Yes, then a sentence should be pronounced.

24647. But independent of pronouncing a sentence ?—I mean he should be found to be a habitual inebriate.

24648. Would it be possible, in the present condition of the Scottish law, to appoint a *curator bonis* for an habitual inebriate ? Would inebriety amount to mental incapacity for that purpose ?—I am afraid not. I do not think habitual inebriety is a *nomen juris* in Scottish law, but there might be incapacity induced by inebriety which the court would consider to render him incapable of managing his affairs. That is a matter for the supreme court and it does not come before the sheriff.

24649. Do the sheriff courts not appoint *curator bonis* ?—They appoint judicial factors where the estates are of small value.

24650. For mental capacity or physical capacity ?—I am not quite sure about that.

24651. If that includes both mental and physical, is habitual inebriety excluded ?—I would require to refer to the books in order to answer that question.

24652. (*Chairman.*) You state that you are averse from any extension of the powers of town councils, parish councils, or any small local bodies. What powers do you refer to there ? The power of setting up institutions ?—Yes. The extravagance of local bodies is becoming a very serious matter, and I should object very strongly to emotional legislation, so to speak, or even to philanthropic legislation on a large scale unless some protection to ratepayers were given against the extravagance of these bodies. Only the other day I went through a large poor-house where there are a number of imbeciles provided for, at Stobhill near Glasgow, It is admirably managed, but it is simply palatial in its get-up. It has cost about £400,000 and it has about 2,500 beds, I think. You will get the particulars in a little parish almanac published by the parish council of Glasgow. I went also through Woodilee Asylum, which is purely a lunatic asylum and where a number of imbeciles are detained. That also has cost a very large sum. Then I am told they have another asylum at Gartloch which is built and equipped in a still more expensive style. The total expenditure on these matters is shown on this almanac to be something approaching a million sterling in a comparatively short period.

24653. Do you think a central body is likely to be more economical ?—It ought to be.

24654. Do you think it would be ?—You want a check upon these bodies such as the Treasury is upon the spending departments of the Government, not always effective, but it might be useful to a certain extent. I should like to add in regard to these establishments that the imbeciles and epileptics seem to be admirably cared for, and it might be useful for your Commission or some of your members to visit them because it has been long ago laid down that what one sees with the eyes makes a much deeper impression than what one hears with the ears.

24655. (*Mr. Byrne.*) Would you say that public opinion in Scotland is so much excited by the extravagance of public bodies that they would support the action of the central body if it definitely refused to authorise the building of any such institutions in future ?—Certainly not. What I mean is that public opinion would like such institutions to be built and conducted on a reasonable and moderate scale.

24656. That is what I meant ; I did not mean that there should be no institutions, but that there should be no institutions of this palatial character. Would public opinion support the Government in insisting upon that ?—Yes. But what is public opinion ? Public opinion will not form itself on these matters ; it allows itself to be led away by people who are rather excited by compassion, good people no doubt, but who want knowledge and who want restraint.

24657. (*Chairman.*) Is there anything you would like to add to your evidence ?—I think not.

THOMAS ALEXANDER FYFE, Esq., called ; and Examined.

*T. A. Fyfe, Esq.*

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24658. (*Chairman.*) Would you be so kind as to tell us how long you have been a sheriff substitute ?—Over ten years. I may say that for twenty years before that I was a practising solicitor in the Sheriff Courts. I had a considerable practice.

24659. You have been so kind as to give us a statement of your evidence ; may we put it on the notes ?—Certainly.

STATEMENT OF THE EVIDENCE PROPOSED TO BE GIVEN BY THOMAS ALEXANDER FYFE, ESQ., ONE OF THE SHERIFFS-SUBSTITUTE OF LANARKSHIRE.

I am one of the Sheriffs-Substitute of Lanarkshire, resident at Glasgow.

In Scotland, under a great number of statutes (amongst others the Lunacy Acts) "the sheriff" has administrative and judicial functions. But when the sheriff is resident (that is only in Lanarkshire and Midlothian), he is very fully occupied with appellate court and other duties, and when non-resident he is not available to hear applications for immediate disposal. Unless the contrary is expressed, "sheriff" includes "sheriff-substitute," and in practice such applications are always dealt with in Scotland by a sheriff-substitute.

*See* Lunacy Act, 1862, &c.

As regards lunacy warrants, the function of the sheriff is administrative, not judicial, for the sheriff does not hear any evidence to verify the facts set forth in the application.

The great majority of the applications (of which in the Glasgow Court there are about 900 annually) are for the detention of paupers, in which case the application is at the instance of the inspector of poor, who is the executive officer in Scotland of the parish council—the Poor Law local authority. But there are also a considerable number of applications by private persons. In the case of criminals, the application is made by the Procurator Fiscal of Court, who is in Scotland the executive official of the Crown. Whether the person of unsound mind is a private person, or a pauper, or a criminal, the procedure is exactly the same. The application is made upon a printed form, which first of all sets forth in a schedule the particulars as to age, sex, religion, length of illness, supposed cause, etc. Then follow two certificates by medical men, declaring that the person is of unsound mind, with a short statement of the grounds for this opinion. The sheriff very often knows the medical men who sign the certificates. If not, he first ascertains that they are registered medical practitioners under the Medical Act of 1858. If they are not, the application is not entertained. If the signatory is registered, his certificate is accepted, although the sheriff may not know him.

21 & 22 Vict., c. 90.

The sheriff does, in a general way, look at the observations in the certificates, both those of the medical men themselves, and those (not less important) communicated to the medical men by others. If these are not inconsistent, and they *ex facie* support the statement that the person is of unsound mind, the sheriff grants a warrant—or rather an order directing the superintendent of a public asylum to receive the person—as a matter of course, the sheriff has no means of verifying the facts stated, and his examination is *ex facie* only. As a matter of fact, although the order is to receive, in the vast majority of cases the person of unsound mind is already in the asylum, having been received upon an emergency warrant or certificate by one medical man, which is sufficient to authorise detention for three days. Sometimes there are certificates by two medical men other than the granter of the emergency certificate, but in general the granter of the emergency certificate is also one of the granters of the insanity certificates.

1857 Act, Sch. E.

The application is signed by the person making it. In exceptional instances a law agent may appear, but in the general case a parent, or brother or sister, is the applicant in private cases, and the inspector of poor in the case of paupers.

Any person, however, having an interest may apply. I think, for instance, that a landlady might apply in the case of a friendless lodger becoming insane in her house; or an employer in the case of an employée becoming insane in a factory. Such applications, however, are in practice rare, as private persons have almost always some relative willing to take the responsibility, and in the case of paupers the inspector of poor is naturally the applicant.

The sheriff does not himself see the person of unsound mind. It would obviously be inconvenient that he should require to do so, and it could serve no purpose, for the sheriff does not himself find and declare that the person is insane. He only formally authorises detention upon the declaration to that effect made by others.

Act 1871, 34 & 35 V. c. 55.

The only case in which the sheriff holds a formal inquiry is in the case of a "dangerous lunatic" who has come into the hands of the police. In that case, after public notice, evidence is heard, and, if satisfied that it is proper to do so, the sheriff orders the detention of the lunatic "until cured, or until caution shall be found for his safe custody." But in practice this formal procedure is very seldom necessary, for the cost of it falls upon the parish where the lunatic is found (with relief if others are liable), and so it is the interest of the inspector of poor to arrange for the care of the lunatic.

With the exception of the criminal dangerous lunatic, the function of the sheriff as a lunacy official ends with the order for committal. The sheriff is not necessarily consulted as to the release of the person. But if the person who applied for his committal, or the superintendent of an asylum, insists upon the detention of a person who is medically certified as fit to be liberated without risk, then the person so detained, or any other person instructing an interest, may apply to the sheriff to order his release. In such a case the sheriff is practically a judge of appeal, and acts in his judicial capacity.

There is one case in which the sheriff has to see a lunatic before making an order in regard to him, but that is not an order for committal to an asylum, but for his removal to England or Ireland under the Pauper Removal Act of 1898. Paupers sought to be removed have to appear personally before the sheriff (who is in Scotland also the administrative official under the Poor Law Acts) and to make a deposition on oath. Of course a person of unsound mind cannot depone on oath, and he is not asked to do so; but, unfortunately, his case is not excepted, and so he must appear personally.

61 & 62 Vict., c. 21.

The sheriff has also the *quasi* judicial duty, in the case of prisoners who become insane whilst undergoing sentence, of inquiring into the conditions with the aid of two medical men; but the sheriff does not order the removal of the prisoner to an asylum. The Secretary for Scotland does that, upon the sheriff's report.

The sheriff, of course, exercises his judicial function when he tries offenders for offences under the Lunacy Acts. But in so doing he is not acting as a statutory lunacy official, but as a summary criminal judge, and he disposes of such cases just as in any case of contravention of a statute which enacts penalties for contravention.

The order for detention granted by the sheriff is addressed to the superintendent of a public asylum (that is a place where a lunatic cannot, except on special cause shown, be refused admission). But the sheriff may also (although he seldom does) direct detention in a private asylum (that is a place licensed by the Lunacy Board) The Board itself, however, can sanction detention in a private asylum (such as a lunatic ward in a poorhouse). In practice the sheriff's authority is invoked only when the Board desire the removal of a patient from a private to a public asylum.

As regards certification of lunatics, I do not think that any good purpose would be served by broadening the regulations for interposing the authority of a judge or magistrate, for he must necessarily act upon the opinion of others. I think more practical good can be done by widening the scope of the authority of such bodies as the Lunacy Board, school boards, public medical officers of health, parish councils and inspectors of poor, and others who have opportunity of knowing the facts, which a judge or magistrate can never have. I think that there are probably large numbers of people, both children and adults, who are short of the mental capacity to take their place with their fellows in life's battle, and yet are not fatuous in a degree sufficiently marked to warrant their being medically certified as persons of unsound mind. The feeble-minded class, as distinguished from the distinctly insane, is the class the care of whom is a most difficult problem. My opinion upon it is that if real good is to be done drastic legal changes must not be feared, and above all that we must get rid of that sentimental bogey which so often bars the way to reform—that the liberty of the subject must not be interfered with.

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I think that, in the interest of the community as a whole, it is necessary that the liberty of the subject must be interfered with drastically, in the case of imbeciles, habitual inebriates, confirmed adult criminals, and the like. In the case especially of young persons of feeble mind, the present state of the law is weak. I am well aware that it is easy to recognise this, and yet difficult to suggest a remedy. All I say about it is that, whilst there are obvious considerations which make it desirable that the actual committal to asylums, reformatories, industrial schools, etc., should be upon the warrant of a magistrate, the selection of cases for treatment must be left to local authorities and their medical officers, and that alteration of the law should be in the direction of increasing their authority, rather than in the direction of requiring more formal (and more costly) strictly judicial procedure.

24660. (*Dr. Dunlop.*) You set out at considerable length the position of the sheriff in signing lunacy certificates. It is one purely of administration rather than of a judicial capacity?—Yes, but it occurred to me that it was information that the Commissioners might wish to get from me.

24661. The sheriff does not take it upon himself in most cases to question the opinion of the medical man. It is no part of your duty to do that?—I do not think so.

24662. There is a distinct difference between Scotland and England in that matter?—Yes. The sheriff himself does not decide that the person is insane.

24663. In England the magistrates decide that?—I understand that is the case.

24664. It is not desirable to make a change here?—I think not.

24665. Even a sheriff has not got full medical knowledge to enable him to decide a matter of lunacy?—No. It seems to me to be a medical question more than a legal question.

24666. A sheriff would not decide whether a case was scarlet fever or not?—No.

24667. But he has judicial power over the removal of fever patients?—Yes, but he himself does not decide the facts. He accepts the facts from others.

24668. From your criminal experience I suppose you know there are a very considerable number of more or less defective persons who find their way into prison?—There is no doubt about that.

24669. It is general knowledge?—I should think so.

24670. And personal experience as well. You must have seen them and known them?—Yes.

24671. At the present moment they are treated in several different ways, and I would like to hear whether you think these should be unified into one system?—Do you mean under the Lunacy Acts?

24672. Yes. For instance, those found unable to plead insane at the time of the offence or at the bar are sent to the lunatic department?—If they are unable to plead they are sent—they are not tried at all.

24673. If they are insane at the time of committing the offence they go to the State asylum and become a charge on the State?—Yes.

24674. If a person is found insane in prison he may be dealt with under two different sections, and in both cases he is sent to a district asylum?—The district of his prison if I recollect aright.

24675. Yes, of his prison; and he is a charge upon the State so long as he is there?—I presume so.

24676. Do you think that is open to some possible abuse? Do you not think it is rather a temptation to the local authorities to leave their weak-minded and doubtful cases alone? They go to prison and then the State takes care of them for a bit?—It is a possible temptation always to public bodies to save expense.

**Questions 24677 to 24717.**



*T. A. Fyfe, Esq.*

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24677. Would that be safeguarded if the local authorities were made to pay for all their cases when they are dealt with as lunatics under the Lunacy Laws ?—If a safeguard were necessary that would be an effective one. Payment always is.

24678. You must have frequently signed detention certificates under Section 6 of the Dangerous and Criminal Lunatics Act, which is the usual one in use for prison cases ?—That is where the prisoner in prison is found insane ?

24679. Yes ?—And he is sent to an asylum ?

24680. Yes ?—Yes.

24681. Are you aware of the fact that the certificate expires at the date of termination of sentence ?—I think that is so.

24682. Have you had any experience of it ?—No, I have had no experience of inquiring into the sanity of a prisoner in prison. I know the statutory provision that the sheriff is to inquire with the help of two medical men.

24683. You are aware of the fact that a certificate under Section 6 expires at the date of the termination of the sentence ?—Yes.

24684. Are you aware of the fact that a very considerable number of persons certified under that section are discharged at the date of the expiry of their sentence whether recovered or not ?—Yes, I suppose so, unless it were some glaring case in which the Governor would consider that it would be against public interest to discharge the man. A man may be obviously dangerous, I suppose.

24685. Are you aware that no Governor has any power to interfere in the matter ?—That is so at present.

24686. The medical superintendent is absolute master of the situation ?—Yes.

24687. No one can interfere with him, neither the Lunacy Board nor the Secretary for Scotland ?—I do not know the details, but I understand he endorses his recovery, and then the man walks out.

24688. Under Section 89 the power of detention is very much greater ?—Is that the section where the sheriff has to make an inquiry with the aid of two medical men ?

24689. Yes ?—That involves an inquiry.

24690. Do you not think that the terms of that section would serve the purpose more practically than the terms of the one in daily use ?—You mean to apply that to all cases where a person has been committed as insane or is insane in prison ?

24691. When a person is found insane in prison ?—That he should not be discharged without some sort of inquiry ?

24692. Yes ?—I really do not know. There may be many cases in which inquiry is unnecessary, but I think there certainly should be a power to hold an inquiry where necessary. Possibly the Prison Commissioners might order it.

24693. It is left to the discretion of the Secretary for Scotland at the present moment under that section ?—Yes.

24694. He has to be satisfied that the discharge is justifiable ?—Yes, upon a report from the sheriff.

24695. Would you advise that ?—I think it would be a safeguard in the public interest that there should be an inquiry before any lunatic prisoner is discharged.

24696. Do you think it is a fair inference to draw that if we find an insane person in prison, *ipso facto* that person has not got the necessary care before he got there ? If an insane person were cared for he would not find his way to prison ?—That is quite probable, but it is not a necessary inference.

24697. Having proof of neglect, you ought to meet that neglect with stricter care afterwards ?—If it is desirable before, it is obviously desirable afterwards as well, perhaps more desirable after his prison experience.

24698. You are aware that the medical superintendents of asylums and many governing bodies have great objection to keeping what they call the criminal class in the ordinary asylums ?—I can quite understand that.

24699. They would welcome it, and probably the thing would be well done, if there were a central asylum managed by some State Department. Do you think that ?—I think probably that would meet the present difficulties.

24700. Do you not think that the local people should pay for their own cases there ?—I really have not sufficient information to enable me to offer any definite opinion on the subject, but speaking as an ordinary citizen I should be inclined to think so.

24701. You have had considerable experience of inebriates in Glasgow ?—Yes.

24702. We have been told in evidence that the great majority of those unfortunates who are sent to inebriate reformatories under Section 24 are mentally defective. Are you prepared to allow that ?—I have no information to enable me to answer that very specifically. My own opinion is derived from my observation of the people that I have committed to an inebriate reformatory, and it is that a good many of them, if perhaps not the whole of them, were fit subjects for an asylum.

24703. The result of their treatment in Girgenti rather shows that they are mentally deficient, the vast majority of them go wrong when they come out ?—I do not have information about Girgenti.

24704. In Glasgow at the present moment do you think that all the cases that might be dealt with under that Act are being dealt with at present ?—Certainly not. The Act is of very little use.

24705. What are the faults ?—The fault is that a person requires to be charged with the nominate offence of being an habitual drunkard, and requires to be tried for that and sentenced in that capacity. That does not meet the habitual inebriate who is a curse to the community; that only meets the criminal inebriate.

24706. Has the prosecution in cases tried before you had any difficulty in proving habitual inebriety in your own experience ?—The question of habitual inebriety very seldom arises apart from crime, and the proof of inebriety is generally a long record of police convictions of being drunk and incapable; but there are a great many inebriates who are a great danger to the community and and who never get themselves convicted of being drunk and incapable.

24707. Your view is in favour of compulsory detention of the non-committed cases ?—Yes.

24708. Are you aware of the Glasgow Bill ?—Yes, I have read it with interest.

24709. Clause 7 in that Bill refers to this compulsory detention ?—It struck me as being unnecessarily involved, but I think the principle embodied in it is certainly a sound one.

24710. You approve of the principle, although not of the procedure ?—That is so.

24711. In your opinion, as the law stands at present, can a sheriff or judge of the Court of Session appoint a *curator bonis* to take charge of the property of an habitual inebriate ?—Merely on the ground that he is an habitual inebriate ?

24712. Yes ?—I do not think so.

24713. The law as it stands covers all cases of mental incapacity and physical incapacity ?—Yes.

24714. Is this neither the one nor the other ?—At present I do not think it is. An habitual inebriate is on a platform by himself as I understand the law at present.

24715. Would you advise an alteration of the law in that respect ?—You mean that whatever powers there are to appoint a *curator bonis* to an *incapax*, these should apply to an habitual drunkard ?

24716. Yes, to a man who is *incapax*, because he is an habitual drunkard ?—Yes.

24717. Do you not think that would also apply to the poorer cases, to receive an habitual drunkard's wages and take care of them for his wife and so on ?—As a rule an habitual drunkard has very little to take care of, but sometimes it happens that a person in a poor-house is discovered to have some money, and then the Parochial Board make application and the inspector of poor is appointed curator to look after that money.

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24718. The Glasgow Corporation have been agitating for a power of after-care of reformatory cases, which amounts to the appointing of a guardian to take care of their wages ?—In the institution ?

24719. No, after they leave, at the expiry of three years. They have no such power at present, but they are suggesting that they should have it ?—The theory of Girgenti is that at the end of three years they leave cured.

24720. Would you approve of the appointing of a curator or guardian for such persons ?—Yes, certainly, if he is incapable when he comes out.

24721. (*Dr. Needham.*) As regards the certification of lunatics, I gather that your only function consists of seeing that the legal requirements of the certificate are carried out ?—Yes.

24722. You do not inquire into the facts as stated in the certificate ?—No, we do not take any evidence at all, except the evidence of the certificates. Those, of course, are evidence.

24723. It would be impossible in Scotland for a thing of this kind to occur, that two medical men of eminence have signed certificates alleging facts which they have witnessed themselves, and the magistrate upon that refuses to make an order because he is not himself satisfied from his own personal observation that the person is insane ?—That would be impossible, because the sheriff does not see the insane person at all, nor does he hear any evidence about him. The only thing he has to go upon is the medical evidence as embodied in the two certificates.

24724. The sheriff has the power to see the patient, has he not ?—I have never considered the question. As a matter of fact, he never does see the patient. Possibly he might have power to ask the insane person to be brought before him, but it is never done.

24725. I see you say that you think in the interests of the community it is necessary that the liberty of the subject must be interfered with drastically as respects imbeciles and so on. Have you formulated in your own mind the machinery by which these drastic measures should be enforced or what they should be ?—One of the things I had in my mind was a matter that has been referred to pretty frequently in the evidence. I agree with those who think that feeble-mindedness even short of insanity should be certifiable, in the same way as scarlet fever or any other infectious disease, and then the local authority should have power to deal with the patient in the general interest if the patient is not able to be treated satisfactorily at home.

24726. To establish institutions if they thought it necessary ?—Yes. My observation refers more particularly to a good deal of legislation, such as, for instance, the Inebriates Act, which has been killed in practical usefulness by a too sentimental regard for what is called the liberty of the subject.

24727. Not being made compulsory ?—Not being made compulsory, not giving enough power. If you are to do any good, in large cities especially, and among a certain class of people, you must have full compulsory powers. That is my strong opinion. Mere philanthropic powers are no good.

24728. (*Mr. Byrne.*) I would ask you whether you find that your powers in exercising criminal jurisdiction are or are not as you would wish them to be in the matter of the feeble-minded ? Have you full power to do justice to society and to the feeble-minded under the existing law, or would you suggest changes ?—I am not quite sure that I follow.

24729. In the matter of the trial of a feeble-minded person, have you feeble-minded prisoners that come before you with no proof that they are feeble-minded ?—Yes, often. In the Criminal Court it is quite a common thing to have a prisoner charged with an offence, and one may sit and look at that prisoner and in one's own mind think that he is evidently feeble-minded, but that is not an element that enters into the question of his crime; we have nothing to do with that. If he has committed an offence, then all we have to do with is the administration of the law.

24730. So persons are sent to prison who, if their mental condition were inquired into, would be found to be irresponsible ?—Yes, very often.

24731. In the matter of sentences, are your powers insufficient ? Have you to send people to prison over and over again who commit small offences owing to a mental defect when a single sentence of a long reformatory nature might be better ?—That applies more to the magistrates' Courts. I think in these Courts repeated short sentences are probably the result of feeble-mindedness on the part of the people that commit the offences. It does not apply to us so much because sheriffs have a wider latitude. I might mention a case which came before my own observation the other day, the case of a man who came up to make a declaration, as we call it, and it fell to me to take his declaration. I looked at the complaint against him and I found that he was charged with theft or housebreaking, I forget which, and there were previous convictions. While his declaration was being written out I looked up his previous convictions and added up the sentences. I asked the man his age, and he said seventy. His previous convictions added together amounted to forty-two years. Now it struck me that it was very obvious that that man was a chronic criminal lunatic, if you might so describe him, a man who would be nothing else, and who should have been locked up permanently thirty years ago. Now that is a typical case.

24732. Where you suggest drastic changes ?—Yes.

24733. And is one of those changes a long or indeterminate sentence for people of that sort ?—Yes, that is what I think. In the case of that man I should have taken no declaration from him. I should have locked him up.

24734. Can you say the number of cases in connection with which reformatory sentence are required ?—A case of that sort is exceptional, and it is only an illustration, but there are a great many minor cases in which I am afraid that the system of short sentences is greatly perpetuating crime, perpetuating the individual in a criminal course of behaviour, doing no good and entailing a great deal of expense.

24735. May we take it that the opinions you and Sheriff Guthrie have expressed are held by most of your colleagues ?—I should imagine that you would get very much the same views from all the sheriff substitutes, who are the people who conduct the criminal business in the Sheriff Courts. I cannot say whether they would be shared by the lay magistrates.

24736. But those are the views of the legal officers engaged in administration of the criminal law, that they ought to have some power of giving long sentences to feeble-minded persons ?—Yes. If we could remove them altogether from the criminal administration and deal with them rather as feeble-minded than as criminals, then a good deal of reformatory work would be done and certainly a great deal of expense would be saved.

24737. (*Mr. Dickinson.*) With regard to the function of the sheriff in deciding whether a person is insane or not, Mr. Spence, who gave us the law in Scotland, said that the sheriff merely judged as to whether the facts submitted were reasonable to show that the person for whom the order was sought was insane. In your view that is not quite correct ?—I think that is too broad a statement. I would put it this way, that the sheriff judges whether the facts in the two medical certificates are sufficient to warrant him granting an order to the superintendent of the asylum to receive the patient. The sheriff himself does not know whether the man is insane or not.

24738. If, when you were considering the certificates, anyone was to draw your attention to an allegation that they had been improperly obtained, you would as sheriff immediately set to work to ascertain whether or not this was a proper certificate ?—Yes, whether the certificates were genuine.

24739. And whether they were right ?—There is no machinery that I am aware of for that. I hardly think we have power to do that. Under the Lunacy Acts as they stand, I think the sheriff is bound to grant a warrant. It is the medical men who take the responsibility, and not the Court.

**Questions 24740 to 24756.**



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24740. Even if the sheriff has a suspicion that the patient is not insane?—Yes.

24741. That is an important difference between your view and what Mr. Spence has told us?—Yes. I read Mr. Spence's evidence with great interest, and if I correctly understand that he construes the procedure in the Sheriff Court to mean that the sheriff is satisfied personally himself that the person is insane, and therefore ought to be received into an asylum. I do not think so; I think it goes no further than this, that the sheriff is reasonably satisfied that he is medically certified to be insane, and therefore must be received.

24742. I take it that there are some other circumstances into which the sheriff would think he was bound to inquire?—Yes, you must satisfy yourself about the petitioner.

24743. Do you, in practice, do more than satisfy yourselves?—In the great majority of cases the petitioner is the inspector of poor.

24744. It is in regard to the private cases where the greatest care is required?—Yes.

24745. In your statement (*page* 235, *col.* 1) you say this: "With the exception of the criminal dangerous lunatic, the function of the sheriff as a lunacy official ends with the order for committal. The sheriff is not necessarily consulted as to the release of the person. But if the person who applied for his committal, or the superintendent of an asylum, insists upon the detention of a person who is medically certified as fit to be liberated without risk, then the person so detained, or any other person instructing an interest, may apply to the sheriff to order his release. In such a case the sheriff is practically a judge of appeal, and acts in his judicial capacity." Now, has that ever happened?—Not in my experience. That is only an observation on the terms of the Act.

24746. Do you know of it ever having happened?—No. I am not aware of its having happened.

24747. There must be cases in which there has been some dispute as to whether a person was illegally detained or not. Who settles that?—I do not think it is very likely to happen, because as a matter of fact there are very few people who are detained. Generally, when they are reasonably restored to reason they are discharged.

24748. I suppose in practice the jurisdiction of the Board of Lunacy fulfils all the requirements?—Yes, that is so. There may be cases in which a person is detained and thinks he ought to be out, and he may raise the question with the Lunacy Commissioner or with the medical officer of the asylum. It certainly does not get our length, however.

24749. You know of no case?—No.

24750. I suppose the sheriff would decide over the heads of the Lunacy Commissioners?—I take that to be the meaning of the Act.

24751. And yet that has never to your knowledge happened?—Not in my experience.

24752. If you had a system under which persons were detained who were merely feeble-minded, would you think that the sheriff would be the proper person to decide as to whether that ought to continue or not?—That raises a much wider question, because the question of feeble-mindedness is to my way of thinking far more of a medical question. I would be rather inclined to leave the determination of whether a feeble-minded person has ceased to be feeble-minded to medical officers. But then it would be a provision which would be grateful to the public—the public would look upon it as a great security that there could be an inquiry, an appeal to the sheriff as it were, in the case of a feeble-minded person detained against his will.

24753. Do you think it would be a satisfactory Court of Appeal?—Yes, I think so, it would be quite a satisfactory Court of Appeal, because the Court would have the advantage, of course, of medical testimony as to one side or the other.

24754. (*Chairman.*) Is there anything you would like to add to your evidence?—Nothing occurs to me.

## J. F. Sutherland, Esq., M.D., F.R.S.E., F.S.S., called; and Examined.

*J. F. Sutherland, Esq., M.D., F.R.S.E., F.S.S.*

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24755. (*Chairman.*) How long have you been Deputy Commissioner in Lunacy in Scotland?—For eleven and a half years.

24756. You have been so kind as to give us a statement of your evidence; may we put it in the notes?—Yes.

STATEMENT OF THE EVIDENCE PROPOSED TO BE GIVEN BY J. F. SUTHERLAND, ESQ., M.D., F.R.S.E., F.S.S., DEPUTY COMMISSIONER IN LUNACY FOR SCOTLAND; LATE MEMBER AND SECRETARY OF DEPARTMENTAL COMMITTEE ON HABITUAL OFFENDERS, VAGRANTS, INEBRIATES, AND JUVENILE DELINQUENTS, APPOINTED BY SIR GEORGE O. TREVELYAN, BART.; MEDICAL OFFICER TO H.M. PRISON, GLASGOW; CONSULTING MEDICAL OFFICER TO H.M. PRISON, BARLINNIE; AND DEPUTY MEDICAL OFFICER H.M. TRAINING SHIP "MARS."

In the *précis* of evidence I take leave, *first*, to submit a general statement of my views on the questions receiving the consideration of this Commission, and, *second*, a more detailed one on specific subjects, with which twenty-eight years in the public service have made me more or less familiar.

*General Observations.*—I am of opinion that the central supervision and control of all feeble-minded persons, in imbecile boarding schools, in poorhouses, labour colonies, in inebriate reformatories, whether State or Certified, and in private dwellings including specially licensed Homes for two, three, and four, should be vested in the General Board of Lunacy, which at present has the control of all certified persons maintained by their relations or out of their own estates, or jointly out of parish rates and Government grants, who are found to be imbecile, insane, of unsound mind, or incapable of managing their affairs.

The central authority is absolutely independent of any local influence, selecting neither the localities, the guardians, nor the patients, in this respect differing from the local authority in the person of those inspectors of poor who board out in their own parishes, and in the person of all medical officers who attend the guardians in their professional capacity as well as the patients, and in consequence do not always feel at liberty to scrutinise as closely in suspicious cases as the officers of the central authority.

The local authority to control and supervise would be the parish council for the feeble-minded requiring aid in their own homes, either in imbecile boarding schools, or certified inebriate reformatories, inebriate retreats, poorhouses, labour colonies, and in private dwellings. Town councils and county councils would have some control and supervision of the feeble-minded sent through them to labour colonies and to certified inebriate reformatories or inebriate retreats, and paid for by them.

School boards, with a preference for *ad hoc* bodies for enlarged areas, should have the entire local supervision of feeble-minded children of school age, and in attendance in the elementary schools, whether in special classes or in special schools. The Education Department as the central authority would have the same supervision as they have always had. Those who cease to benefit educationally in such schools before the age of fourteen is attained—and this should be ascertained by the school medical officer and the head master or mistress long before fourteen, in every school, whether under school boards or governing bodies—will either remain at home under the care of their parents or guardians, or failing such under the care of parish councils, who would arrange for their disposal as they do with orphan and neglected children at present when intervention on their part is called for.

The *dossier*, or Case Record of all such should take origin in the school and follow the child wherever it goes after school life.

Feeble-minded children in reformatories, industrial schools, and training ships—and in these the percentage would be three or four times greater than in ordinary schools—should be removed from these institutions to the imbecile boarding schools or to the labour colonies after they cease to profit either by education or manual instruction, and when that course is inadvisable the pupil should be handed over to the parish authority for care and protection.

The additional cost would be borne as at present from local and imperial funds, and in much the same proportion as at present. Assuming the number of feeble-minded of any age to be maintained wholly or partially out of public funds were 9,000, the cost would amount to £75,000 or £49,000 if 30 per cent. of imbeciles and insane were boarded out.

Feeble-minded children of five years and under, like imbecile children, would be cared for as they are now by their parents, or as may be arranged by the parish council acting *in loco parentis* as circumstances demanded.

Thus if in any elementary school, industrial school, reformatory, or training ship it is found that children cannot get beyond Standard II., or fail to profit by manual instruction, on reports to that effect fully setting forth the scholar's incapacity to acquire knowledge, the child should be handed over to its parents, the question of financial help in cases calling for it to be determined by the parish council, or otherwise suitably dealt with.

The prospects of the majority of children in special schools and classes are not bright. It is doubtful whether more than 20 per cent. will make much progress, and it is doubtful whether so large a proportion will ever be self-supporting. A majority of those who continue at special schools and classes till fourteen and have benefited to an appreciable extent will have to be provided for in much the same way as those who have left school before fourteen; that is to say, those who have good homes will remain in them, and those who have not will have to be cared for by the parish authority in private dwellings, or in labour colonies.

As to the importance of early determining whether a feeble-minded child should continue in an ordinary school, industrial school, or in an imbecile boarding school, I have in my mind the return sent in to the Commission by Mr. Spence, Secretary to the General Board of Lunacy, and the statement of Dr. Clarkson, the medical officer of Larbert Imbecile Institution, both pointing out the very poor results achieved at enormous cost. In addition I have my own experience in at least 100 cases of children educated for five or six years at a cost of £30 per annum in imbecile institutions, whom I have seen afterwards in private dwellings as pauper lunatics in the course of official visitation. In most of the cases the institution did no more, perhaps less, than capable parents if they were kept at home, or a good Scotch housewife would have done, if they were boarded out, at half the cost. It is not the fault of the two institutions. They were not suitable cases for them. And this leads me to observe that more care and deliberation might be exercised, not only by the two certifying doctors who examine the feeble-minded children as well as imbecile children with a view to their removal and detention in boarding schools, but by the boarding school authorities, with a view to their early removal from such places when, after reasonable trial, it is found that they cannot profit. This observation, so far as the institution is concerned, has no reference to those there till eighteen and requiring hospital treatment.

In any amendment of the Lunacy Laws following upon the Report of this Commission I would recommend that the terms, "lunatic," "idiot," and "pauper lunatic" and "asylums" should not be continued. They give offence, and serve no purpose which "insane," "unsound mind," "imbecile," "chargeable insane," "State and rate supported insane," and "mental hospitals" would not better serve.

There has been a good deal said before this Commission as to the operation of Section 89 of the Lunacy Act of 1857. With some experience of the class of persons to be dealt with under this section, I do not see much reason for changing the law unless it be that before return to prison or to freedom the central authority might have something to say before discharge as between two conflicting sets of medical opinion. Persons proceeded against, to begin with, under Section 15 of the Act of 1862 as dangerous lunatics by the Procurator Fiscal and afterwards handed over to the Inspector of Poor under Section 14 of the same Act, or those proceeded against under Sec. 15 of Act of 1862, and afterwards dealt with under Sec. 19 of Act of 1866 are in my view not any more securely fixed in an asylum, and as between the two the latter require more secure detention, but do not get it.

Where legislation is proposed for the protection of the feeble-minded residing with one or both parents such as finds expression in Sec. 99 of the Lunacy Act of 1857, against wilful maltreatment, abuse, or neglect, provision should likewise be made for the protection of patients against immoral guardians who neither maltreat, abuse, nor neglect their charges, but who, in the case of the certifiable insane, will forego public support rather than part with the offspring. Compulsory separation is necessary in these cases.

Restraint or seclusion of the feeble-minded should, as in the case of the insane in private dwellings, be forbidden.

Owing to the enormous cost of litigation in Scotland in connection with the law of settlement especially in the case of congenital imbeciles, I cannot too strongly recommend that the determination of the settlement of the feeble-minded should be on the lines of ordinary pauperism, congenital mental incapacity having nothing whatever to do with it.

On the assumption that for the care and control of the feeble-minded of all ages, fresh legislation is called for, I would recommend laws, if analogous yet quite distinct from the present lunacy laws, as to certificates, orders, and the law of settlement. In the following respects they would be the same: central and local control, joint maintenance by the State and the locality. Such legislation would lead to an addition of 9,000 to the present "chargeable" insane amounting to 14,000, and the additional cost would not fall short of £75,000 per annum, or in certain contingencies £49,000. The ratio to population of both would be six per 1,000.

Existing institutions, not utilised to their full capacity or anything like it, should be converted into labour colonies, inebriate reformatories, etc.; and a freer and extended use should be made of private dwellings for suitable cases. When all this is done, one or two labour colonies, one or two feeble-minded boarding schools, and one or two inebriate reformatories will be required, none of which should cost more than £100 per bed. The labour of the inmates would be of more value than of the certified insane, and to a large extent present expenditure would be turned into other and better channels, and better and more permanent value got for the outlays.* To all communities, weighted to the breaking point by the burden of local taxation, to a very large extent incurred by the erection of costly and extravagant buildings for the prisoner, the poor, the insane, the imbecile, and the inebriate, any large increase would be fatal to any new scheme.

It should, in my opinion, be a *sine qua non* of any scheme that after consultation between the central and local authorities there should be the utmost freedom and facility on the part of the central authority in sanctioning the transfer of inmates from one institution to another as circumstances determined. This would apply to certified and State inebriate reformatories, labour colonies, industrial schools and reformatories, and imbecile boarding schools and private dwellings. It would not apply to inebriate retreats for those paying for their maintenance, unless there were in any of the other institutions inebriates who came into funds, or whose friends were agreeable to pay for them, and they were suitable cases for transfer.

What is much in evidence in our present methods is lack of co-operation and co-ordination on the part of the different responsible authorities. To remedy this would be to make certain institutions filters of first instance. With an experienced doctor and teacher the filtering of feeble-minded children would take place in the elementary schools, and afterwards by the same persons in the special schools and classes, and in the feeble-minded boarding-schools, when it was duly ascertained that another destiny was the proper one.

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* It would mean for the attendants better wages, better conditions of service, and a pension scheme.

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For adult feeble-minded the filtering *bureaux* would be the relief chambers of the parish councils, the police offices, the poor-houses and the prisons, with their medical officers aided by the staffs, and on evidence and reports tendered before two Magistrates, two Justices of the Peace, a Stipendiary or a Sheriff, it would be settled where for a considerable time the defective derelicts were to rest.* Sanction for removal from one to another of the different institutions would rest with the Central Authority, as is the case now with the insane.

INSANE IMBECILES, DEMENTS, ETC., IN PRIVATE DWELLINGS.

In regard to these, 2,770 in number, I desire to submit evidence on the following seven points:—

1. Value of labour and capacity of patients for usefulness. (Table I.)

2. The distribution of patients singly, in licensed houses for two, three and four, with a strong recommendation for an extension of licences for three and four, as being a good arrangement both for patients, and guardians and the local authorities. Three patients mean a profit of £21 10s. per annum to the guardians, and four £30.

3. Percentage of insane boarded-out in Scotland, its thirty-three counties, with note as to 288 parishes doing nothing, and many more doing next to nothing. (Table IV.)

4. The three attitudes of urban and large burghal parishes to boarding-out. (1) Correct; (2) Moderately satisfactory, and (3) Very unsatisfactory and inexcusable. (Table V.)

5. The intimate relationship between a low asylum unrecovered discharge rate, and a low percentage boarded-out, and in consequence an increased burden to local taxation. (Table VI.)

6. The present disposal of chargeable insane in thirty-three villages, and numerous rural colonies showing the sex ratio in each, and the ratio of insane to population. (Table III.)

7. The striking financial benefits accruing from a freer discharge of unrecovered patients from asylums. Necessity for asylum extension averted or checked. Cost of maintenance being little more than one half. The saving to Scotland per annum on a 30 per cent. boarded-out calculation would be £66,000, to England £480,000.†

*Illegitimacy and Imbecility.*—Before showing *first* by statistics an intimate connection between illegitimacy and certifiable imbecility, and *à fortiori* a more intimate connection with feeble-mindedness, and *second* by personal investigation into this question in every parish and county in Scotland during the past eleven years, I desire to tender one or two observations regarding the illegitimacy statistics of Scotland, England, Ireland, and continental States. At the outset let me say that these returns afford little real evidence of the comparative immorality met with in different countries, or in parts of the same country, socially, racially, religiously, and industrially different.

With regard to Scotland, there is statistically a remarkable improvement within the last thirty years, as may be gleaned from Table VII. for Scotland as a whole, and for its thirty-three counties, except Shetland and Ross-shire. In the former there is a rise of 90 per cent., and in the latter 20 per cent., in both counties, due to altered social conditions brought about by a large influx of strangers from England and the Continent, in consequence of a remarkable development of the fishing industry.

The international statistics for 1896 were as follows:—For Scotland 7·2 per cent., England 4·2, Ireland 2·6, France 8·8, Germany 9·1, Italy 6·4, Norway 7·1, Belgium 8·7, Portugal 12·3, Austria 14·5, and Russia 3·1. The figure for Russia is a low one, especially when it is understood that in Moscow it is 30, and St. Petersburg 23. In Paris it is 26, Munich 43, Vienna 44, Rome 19, and Berlin 15, percentages, or anything like them, which do not obtain in the large cities of the United Kingdom.

No one believes that Ireland is ethically so much better than Scotland or England as these figures would imply, just as no one conversant with these matters believes that Lanarkshire (with Glasgow), and the other nine counties in the great industrial belt of Scotland, is ethically superior to Aberdeen, Wigtown, Banff, Elgin, Caithness, etc., to the extent of 100 per cent.

For these differences there are satisfactory explanations not calling for mention here.

As between *urbs* and *rus* there is statistically strong evidence in Scotland, England and Ireland of the greater prevalence not only of illegitimacy, but of imbecility in rural districts. This is not merely a coincidence. To a large extent it is a clear evidence of cause and effect, and this leads me to express my entire disagreement with evidence tendered already by female witnesses in England who, it is pardonable to say, do not fully or really understand the matter, and the significance of the connection in all its bearings between both which exists. Immorality which should lead to illegitimacy is much more in evidence in industrial centres than in rural districts. In the former it is submerged, in the latter it emerges and is tabulated without explanation. The only possible difference in different rural districts and villages, save the nature of the calling of these offenders, and it is not a large one, is that while in one district there is an adverse public opinion to illegitimacy, in another it is either indifferent or non-existent.

That there is a close connection between the two, I have personally in my sojournings up and down the land had abundant evidence, corroborated by interviews I have had with inspectors of poor who have to contend with both evils, which are costly to parishes, especially to the poorer parishes in which it is most in evidence. Again and again I have seen in the same district, and even under the same roof, three generations of "soft" or "feeble-minded" women with illegitimate broods, some of whom are imbecile or "soft" or "feeble-minded."* No doubt the environmental factor counts here for something, but the real factor is the feeble-minded state of the women, lost to and evidently not possessing any real sense of shame, and regardless of the lifelong burden to themselves and to the parishes. Among these broods of illegitimate children there is in proportion a vastly larger number of imbecile and feeble-minded children met with than among the offspring of normal and healthy wedlock. These remarks have reference to the inveterate, not so much to the accidental, rearers of illegitimate children, and there are generations of the former who are not in the true sense bad or immoral, but are lacking in resistive power, and incapable of forming a proper estimate of the ethical wrong done to society and themselves. One *faux pas* is intelligible, and if all the circumstances were known, perhaps excusable; but repeated breaches of the moral law, and all the hardships it entails on the woman, not to speak of society, is suggestive of feeble-mindedness of the female parent. The feeble-minded male is not an offender in this respect; it is the female taken advantage of by unscrupulous men, and the female who is actively erotic. No promise of marriage is asked, and none is given. Support for the offspring is seldom asked for, and is seldom forthcoming. The parish of the woman bears the large share of the burden. Of course there are male and female feeble-minded persons in towns and rural districts who marry with bad results, but it is more marked in rural districts in which the population is small, and is steadily diminishing in response to inexorable economic conditions, and the sexual selection is there restricted as it is not in industrial centres, in which it is fair to assume *mésalliances* are less frequent. It is here that the hereditary element—the most significant of all factors either in town or country, especially in the latter, cut off from the arteries of communciation which bring about a greater mingling of the people—enters into the question, but I am at a loss to see how legislation can appreciably modify the evil. Much might be done by educating the people to a right understanding of the laws of health in relation to marriage, and the risks of union of the healthy and normal with the feeble-minded.

The eugenic ideal is one to be encouraged, but not to be enforced by enactment.

Next to heredity, and not far short of it in its baneful results, comes the factor of intemperance and vice, producing feeble-minded parents, one or both, and these in their turn producing feeble-minded children.

* Difficult cases might be relegated *en observation* to the mental wards of a hospital such as is to be found in Glasgow and Continental cities.

† This would meet nearly two-thirds of the extra cost of the feeble-minded in England

* For a few out of numerous examples see p. 250.

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It is difficult to see how advice and instruction of this kind will help matters in remote islands, and in isolated districts on the west and north-western and northern littorals of Scotland, in which inbreeding has left such abundant, and indelible traces that marriage is a risk. This has been shown by my colleague in the case of North Uist, an island on the west coast; and I have seen imbecility and feeble-mindedness much more strongly in evidence in the lone and more remote islands of Foula, Fair Isle, and St. Kilda, the entire populations of which have come under my notice. Estimated by physique and mental capacity the race is deteriorating. The disadvantage at conception is influenced, in its mental and physical development, in an unfavourable direction by the ante-natal and post-natal environment. It is safe to say insanity in these islands is in proportion to population four times more frequently met with than on the mainland. It proves to a demonstration the great evil of heredity and inbreeding. It could not be otherwise. No fresh blood is introduced, and no male can woo a woman from the mainland to share his lot, and the woman remaining at home does not have even this opportunity. These island populations are rapidly declining. The birth rate, owing to comparative sterility, is a low one, and the healthier products of it, on reaching adult life, leave. In time, not remote, these small populations must disappear unless fresh blood is introduced, and that can only be done by the State helping to set up inducements in the way of fishing, and industries which would tempt settlers to come.

On the whole I am of opinion that the ranks of the imbecile and feeble-minded are for the most part recruited from the variation, difficult to explain, which is frequently in evidence as the result of apparently normal unions, and to a less extent by the progeny of parents who shortly after adolescence manifested mental warp, or became vicious and debauched, and the progeny of parents, one or both, with hereditary defect. In the matter of numbers it could scarcely fail to be otherwise, apparently healthy and normal unions amounting to 90 per cent. of all marriages. Of course in the other 10 per cent. for various reasons ill-assorted unions or no union at all—in spite of the comparative sterility of the less fit and under any circumstances the vastly higher infant mortality incidental to the life of weaklings and intensified by bad or indifferent maternal care, bad environment, etc.—there is in proportion a vastly higher ratio of imbeciles and feeble-minded resulting.

*Feeble-Minded Habitual Petty Offenders—"Drunks," Disorderlies, Beggars, Prostitutes, and Petty Thieves.*—Probable number, 2,500, females vastly preponderating. They vary the offences mentioned but they are not "criminals" in the right interpretation of that term. Owing to mental incapacity, mental warp, lack of skill and daring they are not permitted to join the ranks of the criminal aristocracy and professionals who live by plunder. Yet they are a costly nuisance, and cause vast trouble to the different authorities through whose hands they frequently pass. Sterility rather than fertility is characteristic of these. Abortion, specific disease, and the debauched rôle are not favourable either to legitimate or illegitimate fertility. To a greater extent their ranks are recruited from the unemployed, and those who have shaped well up to adult life. In regard to further amending legislation applicable to such I favour generally the proposals contained in the draft bill of the Glasgow Corporation issued last month.

*Vagrants and Tramps.*—The "knight" of the road is not always a lazy man, nor is he lazy in the ordinary sense of that term. In a great many cases there is undoubted mental warp. His energies, which are considerable, are exercised in a wrong direction. They are misplaced. I venture to think that a daily tramp of twenty miles means an expenditure of energy equal to that put forth by any labouring man who over and above has a comfortable home, a good bed, and good and varied food. The vagrant picks up his living in a precarious way from an intimidated and superstitious hospitable public, on the well known lines of march. He sleeps beside a brick-kiln, or in an outhouse, as often without as with a pallet of straw. I take leave to submit my definition of him contributed in an article on "Lunacy" to the *Encyclopœdia Medica* "With truer conceptions of psychology, ethics, social pathology, and more knowledge of him and his ways, there is no reason why in the coming years the incorrigible tramp, whose mode of life is a puzzle to ordinary observers, and to officials in workhouses and "dosser" houses who at times have him under observation, and suggests to the normal man a life of great discomfort and misery, should not find his place in the large army of degeneracy, and thereby of lunacy. But a life of *ennui*, footsoreness, and discomfort no more disturb him than the grime on his skin and the pediculi and acari which thrive on his body unmolested." The *ratio* of females to males is as 1 to 3·6. The children accompanying them are in regard to sex ratio as 1 to 1, and children are to adults in the proportion 1 to 4·4. Sterility is in evidence here, and legal marital attachments are the exception. He is chiefly recruited from the ranks of the unemployed with or without mental warp.

*Habitual Inebriates of the well-to-do class, and of the humbler classes not coming under the notice of the Police.*—The number of the former (approximately) is 600; of the latter 2,000. For them legislation is urgently called for.

Many in both categories, especially the women, have always been either feeble-minded, neurotic, neurasthenic, etc., and the rest apparently normal to start with have become feeble-minded, and incapable of managing themselves or their affairs in consequence of their habits. The conduct of both types is insane, and as to unsoundness of mind there is a slight though not sufficient advance legally as well as medically as to the true nature of confirmed inebriety, and its effects as manifested by conduct, which should count for much more than it does when the liberty of the individual requires legal interference. The present legal provision for all such is *first*, voluntary entrance to licensed and unlicensed retreats, not much taken advantage of; *second*, loss of control of affairs by the appointment of *curators* by the Court of Session, or Sheriff Courts. Either step is inadequate. Something more is required, and I would suggest as a *third* step, the introduction into our legal system of the family council (*Conseil de famille* of the French Code), and as a *fourth* step compulsion, as contemplated by Sir Charles Cameron, Bart., in his first Bill, and by the late Lord Chancellor Herschell whose Bill of 1905 passed its second reading. As a member of the London Committee on Inebriates I prepared the memorandum submitted to Lord Herschell, and was one of a committee of three appointed to wait upon him. That Bill followed more or less on the lines of the reports of two Departmental Committees, one presided over by Mr. Herbert Gladstone, M.P., the other by Sir Charles Cameron, Bart. To the provisions of that Bill I adhere with one or two qualifications urged at the time. The effect of the existence of "compulsory" seclusion in our statutes would in my judgment lead to a freer use of the existing *first* and *second* methods of meeting this clamant social evil, and of the suggested *third*, viz., the family council, the constitution and working of which is not properly understood. With so many progressive steps it is difficult to see where there can be a suggestion of harshness, injustice, or undue interference with the liberty of the subject. It is absurd to talk about the liberty of the subject. The kind of men and women to be scheduled for a fair and thorough inquisition before competent judges will recur to every one. They are much worse than is implied in the definition in the Act of 1879. Their habits of inebriety are notorious, leading to profligacy, to all disregard of personal honour, of family and social obligations, and to the wasting of their substance, and the wreckage of their homes.

It is difficult to see where anything in the nature of *chantage*, or the *lettre de cachet* could come in, any more than it could come in now in the case of Chancery, and criminal lunatics found of unsound mind by inquisition. It has been alleged that near relations would have sinister objects to serve in putting the machinery of the contemplated law into operation, and would not scruple to use it oppressively. I believe experience will be in quite an opposite direction, viz., of relations actuated either by kindly and mistaken considerations, or by base ones, concealing the infirmity. If relatives do not come forward, and from mistaken notions of duty shelter the inebriate, then any law which might save him and them, unless he or she commit an offence or crime, will remain a dead letter. To prevent that in notorious cases met with in the affluent and humbler *strata* of society an official analogous to the "imperial proctor" of the French

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law should be called into being, and on the sworn affidavits of medical men, relations, and others, would be entitled to take proceedings. The inebriate should have the right of appeal, of a public or private trial, and could be represented by himself or an agent.

I believe in a public official like the "imperial proctor," whether members of a family move or not in the matter for this reason, that it is often an invidious position for members of a family who suffer much and untold misery at the hands of an inebriate to move, and might result in the inebriate on recovery dispossessing them as far as he can, or otherwise doing them injury.

In regard to inebriates among the two classes of society referred to, I am in agreement with the views of Mr. Richard Brown, C.A., Edinburgh, who has already given evidence as to the existing laws in relation to judicial factors, and to the practice of the Court of Session and Sheriff Courts as to the *incapax*, and in regard to the inebriate *incapax* would like to see a freer use of the powers and privileges of the Court of Session in virtue of its *nobile officium*.

For the affluent, licensed retreats and private dwellings would soon come into existence, and for the humbler classes town and county and parish councils, as well as philanthropic bodies, would come to their aid either in retreats or labour colonies. The Church of Scotland is already doing something. Legislative authority would require to be given to town, county, and parish councils to move in this direction.

To the excessive use of alcoholic stimulants I would add narcotics, and drugs to be specified.

*Conclusion.*—While it would be a matter of difficulty to allocate the number of insane, imbecile, and feeble-minded arising respectively from hereditary causes, from intemperance and vice, and from variation in the birth product of to all appearances normal unions, eugenic and legislative efforts may do something to lessen considerably the results of the first two causes, but so far as I can see there is no remedy for the third. There must always be with us a feeble-minded folk calling for the care and protection of a nation distinguished for its humanitarian legislation. Further, allow me to add a deep-rooted objection to the multiplicity of extravagantly built and extravagantly equipped institutions for the "chargeable" defectives and derelicts of society. No countenance whatever should be given to such a policy. It is not a pleasing reflection that so much of the national burden of taxation in this country is due to extravagant palatial buildings for the housing of defectives and derelicts, or that so much of the architectural features of our cities and towns about which local authorities seem proud is due to them. Every existing institution should be utilised, and where possible suitable cases, young and old, who by genetic or adolescent warp, or by the induced defects of vicious living, are unable without moral and material help to bear up in the struggle for an existence, should be boarded out. The private dwelling means, for all who can use it and not abuse it, a natural as opposed to a more or less conventional existence, and the greater likelihood of drawing out latent capacity possible under something approaching individual treatment. It means satisfactory care, a comfortable room, a good bed, and that variety and equality of food partaken of by the great majority of the ratepayers taxed for the erection of costly institutions, and a rate aliment of about one half of that required for asylums. The *mot d'ordre* might appropriately run "dispersion not aggregation" of the class whose numbers will, it is believed, as the result of the deliberations of this Commission, be greatly augmented. It has to be borne in mind that the massing of the insane and imbecile in institutions is not a necessity, except that of poverty. If affluence among the people was as general as it is exceptional there would not be one for every ten who inhabit our asylums to-day. More might be done for boarding-out if the aliment to guardians was a little larger, and more commensurate with services rendered. The attitude of guardian to patient is, it has to be remembered, not altogether, or even in great measure, an altruistic one. Services are rendered and sacrifices made for a monetary consideration. That attitude bulks largely in this as it does in every department of life.

Of nearly 1,000 certified patients seen by me for the first time during the past eleven years, it is safe to say 15 per cent. were of the class for the protection of whom this Commission was appointed.

## APPENDIX.

TABLE I.—PERCENTAGE (APPROXIMATE) OF DEGREES OF CAPACITY FOR USEFULNESS AMONG 2,770 PATIENTS BOARDED-OUT IN SCOTLAND, AND DAILY VALUE OF LABOUR (APPROXIMATE).

| | Males. | | | Females. | | |
|---|---|---|---|---|---|---|
| | Number. | Per cent. | Value of day's work. | Number. | Per cent. | Value of day's work. |
| | | | d. | | | d. |
| Very good workers - - - - - | 69 | 6 | 10 | 143 | 9 | 5 |
| Good workers - - - - - - | 161 | 14 | 6 | 271 | 17 | 3 |
| Fair workers - - - - - - | 322 | 28 | 3 | 477 | 30 | 1½ |
| Indifferent or *nil* - - - - | 600 | 52 | — | 707 | 44 | — |
| | 1,152 | 100 | | 1,598 | 100 | |

The value of the labour of the feeble-minded patients who are contemplated in the remit of the Commission would as a rule and on the whole exceed considerably in value that of those certified "imbeciles" or of "unsound mind." And that being so, it should cost less to board them out; perhaps on an average 4s., 5s., to 6s. per week would suffice. Further, I see no reason why feeble-minded persons of the genitous or infantile type should not, if carefully selected, mingle in the same specially licensed homes with the insane, one or two, say, in houses for four, and one in houses for two and three would be a satisfactory arrangement. The certified insane and the certified feeble-minded would be chosen by the same local authority.

TABLE II.—PERCENTAGE OF 513 SPECIALLY LICENSED HOUSES FOR TWO, THREE, AND FOUR, IN WHICH ARE HOUSED 1,152 PATIENTS AND SEX RATIO IN EACH.

| | Per cent. of houses. | Total number of patients. | Sex ratio. |
|---|---|---|---|
| For 2 | 68 | 634 | 100 to 134 |
| „ 3 | 22 | 324 | 100 „ 224 |
| „ 4 | 9·5 | 194 | 100 „ 350 |

[Placed singly, 1,600. Ratio, 100 to 116.]

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As already indicated, I am, and for years have been, strongly in favour of increasing licenses for three and four apart from the difficulty that may, perhaps, arise in this connection if this Royal Commission favours the boarding-out of a section of the feeble-minded hitherto improperly cared for. This difficulty would disappear if licenses for three and four of the "insane" and "feeble-minded" were sanctioned. The benefits are twofold; the first, to guardians who take in three and four and devote themselves wholly or nearly so to their charges is that the annual profits of three and four (£21 10s. and £30) maintains them, and becomes for the most part their means of living; and the second is that to the patients it means better housing and sleeping accommodation, and more comfort in the way of fires in bedrooms. In order that in such houses patients may enjoy to the full, or nearly so, family life, it is not desirable that the families receiving three or four should be large, or that there should be in residence children of tender years, unless the selection is careful, and the patients themselves, as guardians remark, are "canny." To houses licensed for three or four men there should be outlets for work. That should be made a *sine qua non* for such houses for males.

TABLE III.—THE PRESENT DISPOSAL OF THE CHARGEABLE INSANE IN THE VILLAGE AND RURAL COLONIES IN SCOTLAND.

| County. | Villages and rural districts. | Population. | Chargeable imbeciles and insane in private dwellings. | | | Per cent. to population. | Remarks. |
|---|---|---|---|---|---|---|---|
| | | | M. | F. | Total. | | |
| Fife | 15 Villages | 11,637 | 76 | 177 | 253 | 2·1 | Star village, 10 per cent. Craigrothie, 9 per cent. Milton of Balgonie, 5 per cent. |
| | Rural | 8,287 | 17 | 55 | 72 | ·8 | |
| Perth | 5 Villages | 3,210 | 20 | 94 | 114 | 3·5 | Gartmore village, 15 per cent. |
| | Rural | 3,830 | 41 | 6 | 47 | 1·2 | Males vastly preponderate. |
| Lanark | 1 Town | 6,570 | 2 | 16 | 18 | ·3 | |
| | 3 Villages | 2,074 | 10 | 52 | 62 | 3·0 | Kirkfieldbank, 4·7 per cent. |
| | Rural | 8,200 | 30 | 14 | 44 | ·5 | Males vastly preponderate. |
| Stirling | 5 Villages | 2,180 | 5 | 68 | 73 | 3·3 | |
| | Rural | 3,394 | 53 | 20 | 73 | 2·1 | Males vastly preponderate. |
| Ayr | 1 Village | 600 | – | 29 | 29 | 4·8 | Ballantrae village, 4·8 per cent.—entirely females. |
| | Rural | 5,593 | 16 | 28 | 44 | ·8 | |
| Kinross | 3 Villages | 1,355 | 17 | 18 | 35 | 2·6 | Kinnesswood, 7·5 per cent.—equality of sexes. |
| | Rural | 524 | 5 | 1 | 6 | 1·1 | |
| | Total, 1 Town | 6,570 | 2 | 16 | 18 | ·3 | |
| | Total, 32 Villages | 18,876 | 118 | 438 | 566 | 2·7 | 100 to 370. |
| | Total, Rural | 29,828 | 162 | 124 | 286 | ·9 | 100 to 80. |
| | Grand Total | 55,274 | 282 | 578 | 860 | 1·5 | 100 to 200. |

It will be observed that nearly one-third, or 860, of all the patients boarded out are located with strangers in the specially licensed houses in thirty-three villages and twenty-five rural colonies. Males are to females as 100 to 200. The highest number in any village colony is about fifty, and the lowest six. There are in addition 312 patients in licensed houses here and there all over Scotland. The system fortunately admits of great expansion, first by increasing the licences for two, three and four, which I strongly, in the interests of patients, guardians, and inspectors of poor, recommend; and second, by the opening up of new ground in villages and country districts. And I have little doubt that if 6d. or 1s. more per week were allowed for the more or less unproductive and troublesome cases still more could be done in this direction, and a set-back given to the craze for the erection of more institutions for the derelicts and defectives in our midst which has taken a firm hold on a section of the English official mind.

TABLE IV.—PERCENTAGE OF INSANE BOARDED OUT IN FIVE GROUPS OF SCOTTISH COUNTIES, WITH NOTE *re* 288 PARISHES IN THE 32 COUNTIES.

| Counties. | Total Chargeable Insane. | Number Boarded Out. | Percentage of Boarded Out. | Remarks. |
|---|---|---|---|---|
| 11 Highland and Insular | 2,824 | 900 | 32 | Highest counties, 44 per cent., Ross and Inverness; lowest, Perth and Elgin, 20 per cent. |
| 5 Counties | 2,814 | 583 | 20 | Edinburgh, Forfar, Wigtown, Berwick, and Bute. |
| 6 Counties | 4,834 | 761 | 15·7 | Lanark, Stirling, Fife, &c. |
| 5 Counties | 2,310 | 288 | 12 | Aberdeen, Renfrew, Dumbarton, Dumfries, and Roxburgh. |
| 5 Counties | 1,180 | 93 | 8 | Ayr, Haddington, Linlithgow, Kincardine, and Selkirk. |

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In ten counties, including Aberdeen, Ayr, Edinburgh, Stirling, Dumfries, etc., there are eighty-six parishes large and small, with 1,645 chargeable insane, of whom only 130, or eight per cent. are boarded out; and in fifteen counties, including Ayr, Aberdeen, Fife, Renfrew, Stirling, Dumbarton, etc., there are 202 parishes with 1,152 insane, not one of whom is provided for outside the institutions.

TABLE V.—ATTITUDE OF THIRTY-FIVE URBAN AND LARGE BURGHAL PARISHES OF SCOTLAND WITH 7,766, OR 53 PER CENT. OF THE TOTAL CHARGEABLE INSANE, TOWARDS BOARDING OUT.

I. Correct Attitude ; II. Moderately Satisfactory ; III. Very Unsatisfactory and Indifferent.

| — | I. Correct. 1. Total Insane. | 2. Boarded-out. | 3. Percentage of Col. 2. | — | II. Moderately Satisfactory. 1. Total Insane. | 2. Boarded-out. | 3. Percentage of Col. 2. | — | III. Very Unsatisfactory. 1. Total Insane. | 2. Boarded-out. | 3. Percentage of Col. 2. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 1. Glasgow | 1,993 | 366 | 18 | 1. Govan | 969 | 136 | 14 | 1. Hamilton | 85 | 8 | 9 |
| 2. Edinburgh | 1,103 | 290 | 26 | 2. New Monkland | 117 | 19 | 16 | 2. Old Monkland | 125 | 7 | 5 |
| 3. Dundee | 660 | 125 | 20 | 3. Bothwell | 97 | 12 | 12 | 3. Hamilton | 85 | 8 | 9 |
| 4. Inverness | 141 | 60 | 42 | 4. Leith | 175 | 23 | 13 | 4. Rutherglen | 46 | 1 | 2 |
| 5. Old Kilpatrick | 61 | 26 | 42 | 5. Arbroath | 84 | 13 | 15 | 5. Dalserf | 25 | 1 | 4 |
| 6. Kirkcaldy | 118 | 24 | 20 | 6. Paisley | 248 | 36 | 15 | 6. Cambusnethan | 69 | 7 | 10 |
| 7. Perth | 103 | 22 | 21 | 7. Dunfermline | 130 | 14 | 14 | 7. Dalkeit | 37 | 2 | 5 |
| 8. Forfar | 56 | 14 | 25 | 8. Arbroath | 84 | 13 | 15 | 8. Montrose | 53 | 5 | 9 |
| | | | | 9. Hawick | 56 | 7 | 12 | 9. Port Glasgow | 42 | 4 | 9 |
| | | | | 10. Galashiels | 31 | 5 | 16 | 10. Ayr | 107 | 3 | 2·7 |
| | | | | 11. Kilmarnock | 104 | 12 | 11 | 11. Stirling | 60 | 4 | 6 |
| | | | | | | | | 12. Falkirk | 82 | 4 | 5 |
| | | | | | | | | 13. Aberdeen | 448 | 34 | 7 |
| | | | | | | | | 14. Peterhead | 61 | 5 | 8 |
| | | | | | | | | 15. Fraserburgh | 38 | 3 | 8 |
| | | | | | | | | 16. Dumfries | 51 | 4 | 8 |
| | 4,257 | 934 | 22 | | 2,095 | 290 | 13·8 | | 1,414 | 100 | 7 |

The lack of uniformity in dealing with the unrecovered insane no longer requiring institutional care is strikingly illustrated by the percentages in the three foregoing columns, and these have their counterpart, as might be expected, in the figures given in the subsequent Table, showing for the asylums a range of "unrecovered" discharges equally wide. In order that 30 per cent. of the chargeable insane may be boarded out and that something like uniformity of action on the part of inspectors of poor and asylum superintendents may be secured, some action requires to be taken. It might be initiated by the central authority. Apart from conference and co-operation on the part of the parishes, the asylums, and the central authority, I am of opinion that the figure aimed at, viz., 30 per cent., which would effect an annual saving of £66,000, would be attained most readily and easily by appointing six officials for the groups of counties attached to several district asylums, whose sole duty it would be to find suitable guardians and homes, to supervise them in the village and rural colonies to be founded, and to visit the asylums from time to time, and confer with the asylum authority. In this way there would be as free a discharge from the asylums of the unrecovered as there is now a free return to the asylums of those proving themselves for various reasons no longer fit for private care after short or long trial. These six officials for Scotland would also supervise feeble-minded persons similarly disposed of. The cost would not exceed £2,400 thereby.

This suggestion is not made as applicable to the three urban parishes of Edinburgh, Glasgow, and Dundee, the officials of which are fully alive to the need for a freer discharge in order to prevent extension of buildings, and at the same time to set free the accommodation required for acute cases among the occurring and recurring insanity. The six officials to be called into existence would supplant in this matter inspectors of poor in hundreds of parishes doing nothing or next to nothing, either in the public interest or in the patients' interest, no matter whether these inspectors were officials holding no other appointment, or holding several other offices, as many of them do owing to the smallness of the parish, and of the salary. It might be advisable by legislative action to enlarge the parish area by combining for administrative purposes several parishes. But this means time, and what I have previously suggested indicates the line of least resistance. Energetic action has got to be taken if the indefensible anomalies set forth in the foregoing sets of figures are to cease, and if something like uniformity of action, with its resultant economy, is to be established.

TABLE VI.—DISCHARGE RATE OF UNRECOVERED CHARGEABLE INSANE FOR 18 AND FOR ALL ASYLUMS IN THE DECADE 1892–1901.

[*Forty-fifth Report of General Board of Lunacy.*]

| | Daily Population. | Average number discharged per cent. of average number resident. | | |
|---|---|---|---|---|
| | | Unrecovered and removed from Poor Roll. | Unrecovered and boarded out. | Total. |
| Edinburgh | 527 | 6·1 | 4· | 10·1 |
| Gartloch | 450 | 3· | 5·6 | 8·5 |
| Woodilee | 707 | 4·3 | 3· | 7·3 |
| Perth | 336 | 2·4 | 1·8 | 4·2 |
| Fife | 479 | 2·8 | 1·2 | 4· |
| Inverness | 522 | 1·5 | 2·4 | 4· |
| Ayr | 448 | 2·9 | 1· | 3·9 |
| Govan | 403 | 2·5 | 1·2 | 3·7 |
| Roxburgh | 267 | 2·4 | 1·3 | 3·7 |
| Dumfries | 448 | 2·8 | ·9 | 3·7 |
| Dundee | 335 | 2·2 | 1·1 | 3·3 |
| Stirling | 576 | 2·2 | 1·1 | 3·3 |
| Midlothian | 241 | 1·8 | 1·1 | 2·9 |
| Montrose | 521 | 1·4 | 0·8 | 2·2 |
| Argyll | 414 | 1·3 | 1· | 2·2 |
| Aberdeen | 528 | 1·3 | ·5 | 1·8 |
| Lanark | 581 | 1·4 | ·2 | 1·6 |
| Haddington | 136 | 1·2 | ·4 | 1·6 |
| Total of all Asylums | 9,013 | 2·6 | 1·7 | 4·3 |

TABLE VII.

SCOTTISH STATISTICS of A. I., Certified Chargeable Insane and Imbeciles; and of C. I. (*a*), (*b*), and (*c*), Certified Private Patients, Certified Curatory and Uncertified Curatory; of A. II., 1 and 2 of Feeble-minded among Police Drunkards, Petty Offenders, Vagrants, etc.; and of C. II., Uncertified Private Patients not under Supervision; C. III., Well-to-do Inebriates; and B., Feeble-minded Children of School Age.

| | Males. | Females. | Total. | Ratio per 1,000 of population. |
|---|---|---|---|---|
| A. I.—Certified chargeable insane and imbeciles in institutions and private dwellings | 7,149 | 7,541 | 14,690 | 3·8 |
| II.—Feeble-minded who may become chargeable wholly or partially to rates and grants. | | | | |
| * 1.—Feeble-minded among police drunkards, petty offenders, prostitutes, and vagrants | — | — | 2,500 | ·67 |
| * 2.—Non-police habitual inebriates | — | — | 2,000 | ·5 |
| * B.—Feeble-minded children of school age requiring supervision and special instruction | — | — | 4,500 | ·9 |
| C. I.:— | | | | |
| (*a*). Certified private patients in institutions and private dwellings | 1,062 | 1,304 | 2,366 | — |
| (*b*). Certified curatory patients in institutions and private dwellings | — | — | 708 | — |
| (*c*). Uncertified curatory in private dwellings under supervision | — | — | 261 | — |
| | | | 3,335 | 3·5 |
| * II.—Uncertified private patients, mostly imbeciles and feeble-minded, residing with strangers and not under supervision | — | — | 475 | ·5 |
| * III.—Habitual inebriates among the well-to-do classes | — | — | 600 | ·6 |
| Total | — | — | 28,000 | 6· |

* Approximate.

NOTE.—The population to which A. and B. apply, 3,720,000 (80 per cent. of entire population); to which C. applies, 930,000 (20 per cent.).

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TABLE VIII.

ROUGH ESTIMATE OF ADDITIONAL COST TO SCOTTISH RATES, AND SUBVENTIONS FOLLOWING ON LEGISLATION FOR THE FEEBLE-MINDED.

| | | |
|---|---|---|
| A. II. 1. | Viz., 2,500 (police drunkards, petty offenders, vagrants, etc., at £15 per annum for board and £5 interest on buildings, (Labour Colonies and Poor-houses) | £40,000 |
| „ | Viz., 500 in private dwellings at £15 per annum | 7,500 |
| A. II. 2. | Viz., 2,000 (non-police inebriates) at £12 per annum | 24,000 |
| | | £71,500 |
| | Deduct £30,000, being cost of A. II., 1. at present for police, prisons and poor-houses | 30,000 |
| | | £41,500 |

| | | |
|---|---|---|
| C. | Viz., 4,500 children of school age of whom 900, or 20 per cent., would, it is assumed, by means of special day schools and special classes, become self supporting | *Nil* |
| 850, | Training and education in boarding schools. Maintenance £25, interest on buildings £5—total £30 | £25,500 |
| 1,250 | Would not require aid | *Nil* |
| 1,500 | Partial aid, say £10 per annum | 15,000 |
| 4,500 | | £82,000 |
| | Deduct cost of 236 children at £30 per annum in Larbert and Baldovan institutions | £7,000 |
| | Total first cost | £75,000 |

NOTE.—If 30 per cent. of the imbecile and insane were boarded out instead of 18 per cent., £26,000 more would be saved, and the above cost reduced to £49,000.

TABLE IX.—PREVALENCE AND SIGNIFICANCE OF INSANITY AMONG THE AUTHORS OF DIFFERENT CRIMES.

The following Table is both instructive and suggestive in so far as it indicates the liability to certifiable insanity among the authors of different crimes, and by implication mental states more or less allied to the certifiable one.

| Indictable Crimes in England for 1903. | Apprehensions. | Percentage of Apprehensions. | Number found Insane before and after trial. | Percentage of Insane. | Ratio of Insanity to Apprehensions. |
|---|---|---|---|---|---|
| (*a*) Homicides, Assaults, etc. | 1,656 | *2·7* | 54 | *39* | 1 in 30 |
| (*b*) Sexual Crimes | 1,391 | *2·3* | 16 | *11·5* | 1 in 87 |
| (*c*) Arson | 213 | *·35* | 6 | *4·3* | 1 in 85 |
| and Malicious Injury to Property | 216 | *·35* | 5 | *3·5* | |
| (*d*) Housebreaking, Robbery, etc., with violence | 3,734 | *6·58* | 16 } 58 | *11·5* } *41·7* | 1 in 233 |
| (*e*) Theft, Fraud, etc., without violence | 54,745 | *88·3* | 42 } | *30·2* } | 1 in 1,300 |
| | 61,955 | *100* | 139 | *100* | 1 in 459 |

Calculating for crimes *a*, *b*, and *c* on the number and percentage of insanity found respectively in *d* and *e*, viz., fifty-eight persons, or 41·7 per cent., that for homicides and assaults should be 1·5 persons and not 54, and the percentage 1·2 and not 39. Or reversing it, if the insanity ratio in the former applied to the latter, the latter would not merely produce fifty-eight insane, as it does, but 1,780, or thirty times as many. Similarly, if crimes against chastity produced insanity in the same ratio as crimes against property it would amount to 1 per cent. and not 11·5 per cent.; and arson 15 per cent. and not 4·3 per cent. Thus it appears that certifiable insanity is highest and most frequently met with among those who commit crimes in which the elements of malice, passion, revenge, and lust predominate than among those in which acquisitiveness and avarice are the governing mental factors. It has to be observed that there is relatively little insanity among the plundering and thieving class, which presents the ugliest and most persistent phase of recidivism in this country, and yet so much of it among the perpetrators of other crimes with little recidivism resulting. The foregoing observation would not be complete were it not recorded that among the thieving class there are a considerable number of weak-minded and degenerate persons, some of whom are somewhat alcoholised when they pilfer. As matters stand at present, nothing is done to deflect this weak-minded class from the path of drunkenness, dishonesty, and degeneration. Drunkenness, pilfering, and prostitution alone engaging their attention, they revolve between the public house, the police court, the prison, and the poorhouse.

Whether the degeneracy or weak-mindedness be genetic or acquired is immaterial. The noxious product in our midst has to be sequestrated in their own and the public interest and not so much because they reproduce their kind. Fortunately for society, owing to the comparative sterility of both sexes, and especially of the male weak-minded offender, and a high mortality among degenerates themselves, and a still higher one among their offspring, subjected to the most blighting influences, moral and material, their numbers do not increase. Their ranks are recruited to a slight degree by their offspring, and to a larger extent from the large army of unemployed, to whom as a rule there remains a choice of three courses, first, the parasitic life of the slums; second, the life of the tramp; and third, a life of open crime and defiance of the law, and all that that implies. It is not a necessity for the entrant to either category to be of the unemployed. There are those who have no excuse of that kind who recruit the ranks of all three. Among the unemployed one finds roughly three classes, the genuine poor, who cannot get suitable work and who suffer more than any other class; vagrants and paupers who have given up the struggle, or being constitutionally averse or incapable, abandon themselves to a life of dependence and parasitism, and the criminal who has passed through the first class, avoids the second, and enters upon a life of deliberate warfare against society.

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The environmental factor, in my opinion, in importance transcends all others, because, assuming the environment to be correct, a great many, indeed most of the feeble-minded, would keep above water, and not be submerged. The moral and material miasma of the slums is virulent and paralysing.

The recommendations of this Commission for the proper care and control of the feeble-minded would no doubt cut off at a stroke the existing juvenile and adult feeble-minded improperly cared for, whether of the genetic or acquired *genus*. But in time a new crop, not so numerous, is bound to come into existence unless legislative provision is made to suppress slum areas in cities and towns, with their one-roomed houses, in which the decencies of life are impossible of attainment. In any attempt to solve this problem the environmental factor is of the first importance. That part of the defective genetic product of healthy wedlock, as well as that resulting from marriage of doubtful propriety will require to be met as it arises in the case of those whose environment is bad. Unless properly cared for, they will gravitate to the slums, and mingle with the feeble-minded, who have arrived there after years of intemperance and vicious living.

TABLE X.—ILLEGITIMACY AND IMBECILITY.

| Counties. | Per cent. of Illegitimacy in 1875. | Per cent. of Illegitimacy 1902–5. | |
|---|---|---|---|
| (*a*) Five Highland and Insular—Fishing and Crofting :— | | | |
| Shetland, Orkney, Sutherland, Ross, and Inverness. | 4·7 | 5·2 | Increase in Shetland 90 per cent., and Rossshire 20 per cent., Inverness-shire 6 per cent. |
| (*b*) Four Highland and Insular—Fishing and Agricultural :— | | | |
| Caithness, Nairn, Perth, and Argyll - - | 9·9 | 8·7 | Fall of 12 per cent. |
| (*c*) Four North-Eastern—Fishing and Agricultural : | | | |
| Elgin, Aberdeen, Banff, and Kincardine - - | 18·5 | 11·1 | Fall of 50 per cent. |
| (*d*) Ten Midland—Industrial mostly :— | | | |
| Fife, Forfar, Stirling, Linlithgow, Dumbarton, Edinburgh, Lanark, Renfrew, Ayr, and Haddington. | 7·4 | 5·3 | Fall of 30 per cent. |
| (*e*) Six Border Counties—Pastoral and Agricultural mostly :— | | | |
| Roxburgh, Berwick, Dumfries, Wigtown, Kirkcudbright, and Peebles. | 14·1 | 10·2 | Fall of 27 per cent. |
| All Scotland - - - - - - - - - - | 8·8 | 6·4 | Fall of 25 per cent. |

| Counties. | Illegitimacy 1902–5. Per cent. | Ratio of chargeable imbecility per 1,000 of population. |
|---|---|---|
| Group (*a*) - - - - | 5·2 | 1·02 |
| „ (*b*) - - - - | 8·7 | 1·22 |
| „ (*c*) - - - - | 11·1 | ·67 |
| „ (*d*) - - - - | 4·5 | ·33 |
| „ (*e*) - - - - | 9·8 | ·64 |

24757. (*Mr. Dickinson.*) I see the very first thing you say is, "I am of opinion that the central supervision and control of all feeble-minded persons in imbecile boarding schools, in poorhouses, labour colonies, in inebriate reformatories, whether State or certified, and in private dwellings, including specially licensed Houses for two, three and four, should be vested in the General Board of Lunacy." What do you mean by "central supervision and control" ? Do you mean administration? —I mean an extension of our present control in regard to asylums, licensed wards of poorhouses, and private dwellings. If feeble-minded persons are to be sent to these other institutions, then the General Board of Lunacy should have the kind of control I speak of.

24758. You do not mean that they should have further powers, but that the powers should extend further ?—Yes, that is the idea.

24759. Would you extend the powers of the Board of Lunacy to inebriate reformatories ?—To inspect them ?

24760. Yes ?—Most certainly.

24761. And labour colonies ?—I suppose the people to be sent to these colonies are people of feeble mind and therefore the central inspecting authority should be the General Board of Lunacy.

24762. That would be sufficient protection to the liberty of the subject ?—Yes.

24763. The administration of all these institutions being left in the hands of the local authorities, that is your idea ?—Yes.

24764. I want to ask you about this figure at the top of the second column (*vide page 239, col. 1*) where you say that assuming the number of feeble-minded of any age to be maintained wholly or partially out of public funds were 9,000, the cost would amount to £75,000. How did you get the 9,000 ?—That is a calculation of my own. It will be found in Table VIII. (*page 246*). The figures of course are approximate.

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24765. I do not see the 9,000; where is it?—A ii. 1 and 2 the feeble-minded who may become chargeable wholly or partially to rates and grants. A. ii., 1 * being 2,500 feeble-minded among police drunkards, petty offenders, prostitutes, and vagrants, and A. ii. 2, the 2,000 non-police inebriate cases who will require financial help in whole or in part. I have discussed the matter with doctors all over the country and with inspectors of poor, and that is the conclusion to which I have come.

24766. Then you have the non-police habitual inebriates?—I do not include in the 2,000 the non-police cases not requiring financial aid.

24767. Then how do you make up the 9,000?—To the foregoing 4,500 there is B *, feeble-minded children of school age requiring supervision and special instruction, 4,500. That is based on an estimate of my own, and if I mistake not, of your own for England.

24768. What is the number of lunatics in Scotland?—14,000.

24769. You put the number of feeble-minded at one half that figure?—Yes, that is those who would become chargeable.

24770. Your £70,000 works out at £8 per head?—In my corrected statement I have made that figure £75,000, or £49,000 if 30 per cent. of imbecile and insane were boarded-out, that is to say if the number boarded-out amounted to 30 per cent. then instead of the extra cost being £75,000 it would be covered by £49,000.

24771. What do you put the boarding-out cost at?—Our boarding-out comes to about £20 a year for imbeciles and dements, but I am assuming in regard to a great many habitual drunkards that that would be partially saved, and I have estimated some of them at £12 per head and others at £15.

24772-24773. I do not quite understand. Where is the calculation that you get this from?—The figure £75,000 is shown at the bottom of Table viii., and if you follow the calculation as it proceeds it will be seen how the £75,000 has been arrived at. I make the cost of A ii., 1, that is the 2,500 feeble minded police drunkards, petty offenders, and vagrants, at £15 per annum for board, and £5 interest on buildings.

24774. That is in the labour colonies?—Yes, to which the majority would require to be sent.

24775. On what information do you base that?—It is an estimate.

24776. It is probably low?—I assume that the value of the labour in a colony would count for something. I only put £5 as interest on buildings because that would be quite adequate for any buildings for such a purpose. That would represent a capital expenditure of probably £130 per head.

24777. Then you have 500 in private dwellings at £15 per annum. Those are boarded-out?—Yes. Our imbeciles cost £20 or £21, but I take it that the value of feeble-minded people would be much greater, and they could be boarded-out at a less figure. For the maintenance of the non-police inebriates of the poorer classes I allow £12 per patient per annum.

24778. Why that?—Because philanthropic and church agencies would be got to assist in the way of keeping these people in retreats. Some money, however, has to be found by town councils, parish councils and county councils, to aid those non-police inebriates, whose relatives are unable to keep them and maintain them.

24779. Of course that proceeds on a good deal of assumption?—Yes, it is a mere calculation, but I do not see how otherwise it is going to be done.

24780. Then you deduct £30,000 being the present cost of those people?—I deduct £30,000 being the cost of the feeble-minded among police drunkards, petty offenders, etc., at present for police, prisons, and poor-houses. That leaves £41,500, to which has got to be added the training and education of children in boarding-schools at £30 for 850, and then I say 1,200 would not require aid at all, and 1,500 would require partial aid, say £10 per annum. Deducting the cost of 236 children at £30 per annum in Baldovan and Larbert Institutions, £7,000, you get to the result that £75,000 is required, or £49,000 if 30 per cent. of the imbecile and demented class are to be boarded out, instead of 18 per cent.

24781. It is contingent on the balance being made good from other sources?—Yes.

24782. You seem to recommend very strongly the boarding-out of these feeble-minded?—Yes, suitable cases.

24783. Do you think there are many suitable cases?—I went to an asylum two days ago on the instructions of my Board, and I had the inspector of poor with me. He has ninety lunatics in this asylum. We picked out 15 persons whom we considered suitable for boarding out, a number which would bring the percentage of that parish up to 30.

24784. You would not consider that the imbeciles and idiots such as those at Larbert were suitable for boarding out?—Some. They are not in the right place where they are. A large number, however, of the inmates of Baldovan and Larbert are not suited for education at all, but they are eminently suited for hospital treatment.

24785. (*Mr. Byrne.*) Do you mean hospital treatment or custodial?—Hospital. They are suffering from tubercular and other physical diseases, such as incontinence of bladder and bowel, and in consequence require careful nursing.

24786. (*Mr. Dickinson.*) But apart from what they are suffering from, they are not the class of persons that you would board out?—Not these.

24787. You would not board out these persons even if they were well enough to board out?—I would not say that none of those met with in Baldovan and Larbert might be boarded out—I have come across 100 in private dwellings who have been there for years who are really healthy individuals and free from physical disease and faulty habits. Some are fairly productive, while others are not. They are suffering from no physical infirmity, and yet they are detained for years and then turned out not one whit or little better. Something should be done to make sure that the right kind of child is sent to these institutions.

24788. You would not board them out?—I have come across 100 such who have been boarded out.

24789. You say that 100 of these are boarded out now. Is their boarding out satisfactory?—Quite. There is no harm likely to occur to the boys, but unless the girls are placed with careful guardians who will watch them closely there is a risk; but we have to take these risks, and the risks have been taken in Scotland now for fifty years. I do not suppose that out of 500 women who were of a child-bearing age, one sexual accident has taken place per annum. Of course the guardian must be a proper woman and selected with great care.

24790. (*Mr. Byrne.*) You evidently think that a very substantial amount of waste occurs now in connection with the education of children up to a certain period, that education being entirely useless afterwards for the lives they will lead?—Yes, of that I have no doubt.

24791. Is the chief factor in the waste the fact that it is the wrong sort of children who are sent to these institutions?—Yes, very largely.

24792. Or is it for want of custodial treatment generally—no matter what the class was, there would always be degeneration after the training was over?—I am not hopeful of feeble-minded children of any class being able to do much good. The costly education in these imbecile institutions is applied to a large number of children absolutely unfit for it.

24793. It should be altered?—Yes.

24794. What, in your opinion, would be the proportion of the defective feeble-minded children of whom you might say that you could not in a well-managed training school educate them to be able to contribute to their support when kept in a colony or boarded out?—I have put the estimate at 20 per cent., and I think that is a pretty high one, probably 10 to 15 per cent. would be nearer the mark.

24795. I want to ask you about the nature of the evil which you think exists at present—if you do regard it as an evil—namely, the congregation of idiots with ordinary inmates of poorhouses. Do you think that is a serious inconvenience, or do you think it does very little harm?—I believe it exists as a matter of fact in England, but I deny that it exists at all in Scotland. I have been in almost every poorhouse in Scotland, in some of them several times, and I hold this, that no respectable sane

pauper in Scotland in any way suffers prejudice at the hands of any feeble senile or mildly demented person with whom he or she may be associated.

24796. There are none of the dirty and objectionable and frightening idiots mixed with the ordinary inmates of poor-houses ?—No, but I understand that it is so in England. I think they ought to do in England as we have done here, namely, remove idiots and epileptics from the ordinary wards and put them into the licensed wards.

24797. There is a question about lunacy; do you know anything about the working of the six months certificate in Scotland ?—I have some experience in so far as they are brought before me—where a six months' patient is in residence in a licensed house as a boarder. Then he is brought before me. I have seen some whose disorder was not marked, and I have seen others with most strongly marked insanity, and they are living in those licensed houses for six months. I do not know them officially unless they are in a licensed house. Unofficially I know of the existence of a few.

24798. Do you approve of the system as you have seen it; do you think it a useful addition to the law ?—I approve of it. In the Departmental Committee of 1895, of which I was a member, Sir John Sibbald approved of it, and also Sheriff Guthrie Smith, the legal Commissioner of the Lunacy Board. He said that in face of the present lunacy laws of Scotland the six months' certificate could run on to twelve months; there is a *hiatus* in the two sections of the Act by which private persons can keep lunatics not merely for six months but for twelve. That was the opinion of Sheriff Guthrie Smith.

24799. Do you have any practical difficulties arising in the matter of the restraint of such persons ?—There is no restraint. The guardian has no power to restrain any such person. If they choose to go away then they cannot be forcibly detained. Sheriff Guthrie Smith held that view, as did also Sir Charles Cameron, the chairman of the Committee. Restraint is forbidden, but I know that sometimes the door of the bedroom at night is tied with a cord to keep a patient from going out and wandering. Of course if the patient were sane he could easily break his bond.

24800. (*Dr. Needham*). You say that you are strongly in favour of increasing licences for three or four. I thought by the Lunacy Law of Scotland that already existed. It says that private persons may be kept in private dwellings either singly or in groups, that may consist of private or pauper patients not exceeding four in number ?—Yes.

24801. What is to prevent an increase ?—We have not the patients to put into them—the superintendents are not keen to part with the useful patients.

24802. You have the power to board them out ?—Yes, but the difficulty is to get hold of the patients. If a superintendent has got fifty patients from one parish and he finds that ten of them are capital workers, then he does not want to let them go.

24803. Then you mean that you already have the power, but it is not exercised because you do not have the patients ?—Yes, we do not have ready access to the material, but the material exists.

24804. If the superintendents' strong feeling exists, as you have mentioned, does not that rather tend to cast some doubt as to whether the boarding-out is after all the very cheap expedient that it is thought to be ? If you take out the workers from the asylum, then you increase the cost of the management of the asylum ?—That is their contention, but my contention is this, that if they let out any men or women who were good workers, then they could train others to take their places. If a superintendent has fifty capital workers he will not be so ready to trouble himself to train other fifty to take their place. Now, in justice to patients and parishes I think there should be a regular cycle going on. The result is that a parish having a number of good workers in an asylum who could be boarded out is mulcted in cost in order that another parish which has few or none of these may be proportionately benefited.

24805. I thought it was part of the administrative machinery of an asylum, and it was automatic, that every one who could work was given some sort of employment and was induced to work ?—Yes, but you cannot employ them all because you do not have the employment. Many of the jobs are jobs for which they do not care. Those who are in the cook-house, laundry, and workshop like it because they get things to encourage them to work. My own idea is this, that if they let go these productive patients they would soon get others to take their place.

24806. You have no power ?—We have the persuasive power. As I said, I arranged for fifteen being boarded out a few days ago.

24807. I suppose it rests altogether with the committee what patients are boarded out and what patients are to be kept in the asylum ?—Which committee ?

24808. The committee of the asylum ?—No, they have nothing to do with that. That is the unfortunate thing in Scotland, one body, the district lunacy board, builds the asylums and equips them, while another, the parish council, finds the patients and provides the maintenance. The interests of both should be, but are not, the same. Whether representatives of parish councils on district lunacy boards would alter matters I do not know.

24809. Who has power to say which is proper to be boarded out and which is not ?—The committee of the parish council by minute. In England the asylum committee have powers.

24810. But you think the parish council can do it. If there are more people who could be boarded out then it is to the interest of the parish council in the way of economy to insist that all people who are capable of being boarded out should be boarded out ?—Yes, but there are hundreds of inspectors of poor who see their patients once, convey them to the asylum, shake hands with them, and never see them again. Nothing in many cases is done until the General Board of Lunacy sends a Commissioner to make inquiry when an asylum gets overcrowded and to see if there are any patients fit to be boarded out.

24811. And then what is the process ?—The process is that in the presence of the inspector of poor a list is made out. The inspector has got this list and he is now going to set about and find guardians in suitable parts of the country. Of course it means a great deal of trouble to him and some of the inspectors are most unwilling to take that trouble. That is specially so in the case of those inspectors whose sole duties are not confined to the parish work, but who have many other things to do and to whom this kind of work becomes a secondary consideration.

24812. (*Dr. Dunlop.*) How many are boarded out at present ?—2,770.

24813. How many were there ten years ago ?—Much about the same.

24814. Is it not the fact that there were fewer ?—Not many, but I can give the numbers if necessary.

24815. Has not the number of the boarded out been an increasing quantity ?—That depends on the point of view from which you look at it.

24816. There is only one answer. Is it increasing or diminishing ?—The actual numbers of patients boarded out are higher to-day than they have ever been, but the percentage of boarded out to the total insane has fallen from 21 to 18. There is thus an increase and a decrease.

24817. I do not think that indicates very much. What are the numbers of the boarded out in relation to the total number of insane ?—I have given that. The actual numbers have increased, but the percentage of the insane boarded out in proportion to the total insane has decreased from eighteen to twenty-one.

24818. Would you explain to us briefly your views regarding the relationship of imbecility and illegitimacy ? Is the imbecile woman sufficiently protected in Scotland or not ?—The imbecile woman who is certified is perfectly well protected, but a great many feeble-minded women who are not certified are not protected.

24819. Is it a crying evil in the country ?—In view of this Commission coming to Scotland I put myself in communication with inspectors of poor of several large parishes, and I have to submit the most harrowing details of one or two women in each parish bearing six or seven illegitimate children.

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24820. That is one or two in certain large parishes?—Yes. It is a great source of expense and it is not creditable to the morals of the community.

24821. How many cases will there be in Glasgow parish?—I would not like to make any estimate there.

24822. Or in Edinburgh?—Nor even in Edinburgh. I went to the parishes I know of best with populations of from 10,000 to 20,000. Large parts of these parishes are rural and the inspectors of poor know these women. I have eight or nine returns here of the most harrowing description in regard to the history of these women.

24823. How many of these harrowing cases do you have altogether? Have you got twenty there?—Yes.

24824. Have you got thirty?—No. I have just got twenty. I only sent my circulars out to a dozen inspectors. If I were to send them to all the inspectors one would find out the number of that type of woman who is incapable of looking after herself, and is taken advantage of by unscrupulous people.

24825. (*Chairman.*) Could you put that return in for us?—Yes (*vide infra*). I know a good deal about Scotland as I travel all over it. I would not have believed that such and so many cases as have been recorded here existed in the parishes referred to.

*Return handed in by witness.*

CASE FIRST OF FEMALE W. J.

Parish of————.

This woman, who has never been married, has had six children and confesses to the fact that her own brother J. F. is the father of the whole family of six. They are both living and residing in the same house.

The following are the family with their respective histories:—

Son J., unmarried, living in co-habitation with a woman, F. B.

R., single, has had five illegitimate children all feeble-minded and living.

J., married and family to James Harvey who works in shoe factory, Maybole.

M., single, has had four illegitimate children all living. She is presently in desertion and the children who are not strong mentally live with the grandmother at the above address. M. was admitted to the asylum on 6th July, 1896, when she was twenty-one years of age and discharged on 13th April, 1897.

G. was removed to asylum on 2nd November, 1896, when he was twenty-six years of age and died there on 14th February, 1902.

R., who was also feeble-minded, was chargeable on the outdoor roll at 2s. 6d. weekly from 14th July, 1904, to 28th February, 1906, on which date he died.

The father of this family is now an old man over seventy years of age and in receipt of outdoor relief from the parish at the rate of 3s. 6d. weekly.

They have cost the parish about £470 since chargeability first began.

CASE SECOND OF FEMALE E. W.

This woman has had a family of six illegitimate children (two of whom are dead) to different fathers. Four of the children have been brought up by the parish of Maybole, viz.:—

J. W. was boarded with a guardian at 7s. 6d. weekly. This aliment being paid on account of his being weak-minded. He absconded from his guardian on 6th October, 1902, and has ceased to be chargeable.

W. W. was sent to Larbert Imbecile Institute when seven years of age on 22nd January, 1895, and remained there till 13th May, 1905.

A. W. when three years of age was sent to board, on 6th January, 1896, at 3s. 6d. weekly, and is still chargeable.

G. W. when three years of age was sent to board, on 2nd October, 1899, at 3s. 6d. weekly, and is still chargeable.

This woman was a pauper belonging to the Parish of G., and was chargeable to that parish up till 29th August, 1892, in the Combination Poorhouse. On leaving the poorhouse she got married to a man, D. M., who had been an inmate of the poorhouse and belonged to M. parish. After that date the chargeabilities continued to be in M. and have been more or less continuous since. The children Annie and George are legitimate.

This case has also cost the M. parish a considerable outlay. The lad W. W. alone has incurred an expenditure of over £350, and it is even doubtful whether in the future he will ever be able to maintain himself.

Parish of————

Women with illegitimate children receiving relief, five; dependants, eleven; of whom three mothers are "soft" or feeble-minded. These three have eight dependants. Four of the women have had children to putative fathers. One of the women was illegitimate herself. One of the children, perhaps two, are "soft."

Parish of————

1. M. R.—Thirty-four, "soft," has two children to different fathers.

2. J. K.—About thirty, nearly imbecile, has had one illegitimate boy who had to be sent to Baldovan Imbecile Institution.

3. L. B.—Illegitimate, thirty, has one illegitimate child to a man at least fifteen years her senior and who is "soft."

4. J. S.—Had two illegitimate children to different fathers—one imbecile.

5. M. M.—Illegitimate, about fifty, suffers from lupus of face; illegitimate daughter Jessie—weak minded, has had two children to different fathers.

6. J. K.—Sixty, has had four illegitimate children, four daughters and one son; son married, has large family. One daughter has had a number of illegitimate children. Another daughter has had three illegitimate children. Another daughter, partially blind, has had one illegitimate child.

7. A. S.—In asylum—has one illegitimate boy, considered queer at times.

8. A. T.—Fifty, has had three illegitimate children, one daughter and two boys. Daughter has had two illegitimate children.

Parish of————

One woman, chargeable now, had five children all to different men. Mother "soft," child "soft." This woman was herself illegitimate.

WOMEN NOT IN RECEIPT OF RELIEF.

1. M. P.—A charwoman, has had five or six illegitimate children, the last three to the same man, with whom she is living.

2. M. G.—Laundry maid, is the mother of four illegitimate children, all to different putative fathers.

3. J. C.—Farm servant, herself illegitimate, has had four illegitimate children to different men.

Parish of————

Two women receiving relief on account of three illegitimate children to different fathers, one of whom was "soft." One of the children is "soft."

24826. (*Dr. Dunlop.*) When you were prison surgeon, and on the Habitual Offenders Committee, you would hear a great deal, and know a great deal, about habitual offenders?—Yes.

24827. A large number of them are weak-minded?—Yes, 2,500. I made this estimate years ago.

24828. Do you abide by that estimate?—Yes. I think we are not over the mark in saying that 2,500 are feeble-minded and this figure tallies with the English one made by the best authorities, viz., ·5 per 1,000 of population.

24829. That is as big as our present prison population?—Yes.

24830. On what do you base that estimate? This figure represents those who are not only habitual criminals, but weak-minded or insane habitual criminals?—I am not dealing with criminals at all. I distinguish these from offenders, they are a very different class. Offenders as a rule do not commit crimes, and criminals do not as a rule commit petty offences, except by accident. The offenders to whom I refer are feeble-minded.

24831. Are they demented, or imbecile, or what?—They are feeble-minded either morally or intellectually.

24832. Some of them are not mentally feeble-minded?—The 2,500 include the tramp class, the drunkard and the prostitute. They all have mental warp and their care is being considered by this Commission, as I understand.

24833. Is that estimate of 2,500 based on the ordinary opinion of medical men that these are all cases of mental defect, or is it based on the opinion of Lombroso and company as being of the criminal type?—These figures have nothing to do with the Lombroso theory at all. They are mainly based on this consideration, that if you get a man or a woman who has been hundreds and scores of times in prison for drunkenness, petty thefts, prostitution, or tramping the roads, and you closely inquire into their mental make-up, their heredity, history, habits, and environment, then the investigator need be in little doubt that that individual *ipso facto* has got mental warp.

24834. There are not 2,500 in Scotland who have had hundreds of convictions?—No, I do not say that. A person may have twenty convictions in the year, or hundreds in a lifetime.

24835. There are not very many?—I should think there are 300 who have got over 100 convictions.

24836. There were 150 recorded last year?—Do you mean men or women?

24837. Both?—That return was given to the Departmental Committee.

24838. It was made up from cases coming before the Committee?—Yes; I cannot be sure of the number.

24839. Where did you get the number from?—From the prisons.

24840. This is out of the Habitual Offenders Committee's Report?—Yes.

24841. It is an enormous number to deal with?—Do you mean of vagrants, drunkards, and prostitutes? Because if so I do not think so. It is only ·6 per 1,000 of the population, and corresponds with an English estimate, made later than mine.

24842. You told us they were all weak-minded people?—I think one may safely come to the conclusion that any man or woman who has been thirty times in jail has got mental warp.

24843. Is this 2,500 based upon such an estimate, or is it based on an examination of the persons themselves?—On an examination of the largest criminal population in Scotland during the fifteen years I had medical charge of that population. Probably three-fourths, certainly one half, of the habituals are to be found in that population and taking that population and the rest of Scotland I contend that I am within the mark when I put the figure at 2,500.

24844. You would include three-fourths of our prison population?—In what?

24845. You said that three-fourths of the prison population belonged to this class?—I said that three-fourths were to be found among the prison population with whom I had intimate relations in Glasgow and Burnie, and the west of Scotland.

24846. In your statement (*page* 246) you give some statistics referring to England?—Yes.

24847. You have never worked them up for Scotland in the same way?—You know the value of statistics applying to small figures. It was owing to the smallness of the numbers that I did nothing.

24848. (*Chairman.*) Is there anything you would like to add to your evidence?—The only thing is about the family council of the Code Napoléon. I am anxious that the drunkard should not fall into the hands of the police.

*J. F. Sutherland, Esq., M.D., F.R.S.E., F.S.S.*

13 June 1906.

24849. You mean the better class of drunkard?—Yes. I agree with the views of Mr. Richard Brown in regard to the powers which the Court of Session possesses in dealing with an *incapax* of any kind. In my official capacity of visiting curatory patients, I came across certificates which simply say that so-and-so, is incapable of managing his own affairs. I came across one in Glasgow the other day who was receiving £2 a week from a *curator*, and yet she was living in the most disreputable surroundings; and the question now is whether she should not be sent to an asylum.

24850. (*Mr. Byrne.*) Was that under an order of the Court of Session?—Yes. We visited her because she is under a curatory. I think the family council might with advantage be introduced into the laws of this country. I say that not merely from my own point of view and from personal knowledge of the matter, but because in the House of Lords in June, 1905, Lord Halsbury, on the second reading debate of Lord Herchell's Inebriate Bill, said that he would like to see something like the French family council set up in this country. I wrote to Sir Thomas Barclay, *Juris-consult*, Paris, and the following is his reply—

131, Old Square
*June* 9th, 1906.

MY DEAR SIR,—Owing to some confusion I thought my staff in Paris had supplied you with the information you wished to have about *Conseils de famille*. I find it is not so, and that you wish my *views* about the possibility or desirability of adopting this institution in this country.

I think this institution has a great many more inconveniences than advantages. The French idea is that the family is a unit, and that as the family has certain duties to the individual, it has certain rights over him. There would be no male qualification in England, and though *légitime* is recognised in Scotland, it has none of the stringency of the system in France.

As regards the power of the family council to appoint a guardian to infants, I think our own system safer for the interests of the infants.

Altogether, I do not think the family can be counted upon to protect its members; but rather the contrary.

I am sorry to send you such a hastily written opinion; but it sums up my views after a prolonged experience.—Believe me,

Yours very truly,
THOMAS BARCLAY.

J. F. Sutherland, Esq., M.D.,
Edinburgh.

I agree with Dr. Dunlop in this that the family council as part of the process of interdiction in France is a cumbersome process, but it exists without the law of interdiction. The appointment of a family council is at present applied in France to minors until they are emancipated by age or marriage. It would be applying it to inebriates as it is applied to minors at present without any costly process. I would like to add that within the last eleven years I have seen 1,000 patients, imbeciles and dements, who have been boarded out. Fifteen per cent. of these were persons who really were such as you are considering now; their feeble-minded state was such that it was very difficult to say that they were insane; but yet by a stretch of the law and by the action of the local authorities they were there.

And before withdrawing I would specially like to say that the system should end of allowing imbecile and feeble-minded children of eleven and twelve years of age to sit at the same bench in a public school with children of five and six years of age. It is bad for young children. Such feeble-minded children should be in special classes or special schools. They could not pass Standard I., and yet they remain in it for years with children of tender years, for whom they are not fit associates.

DAVID CROMBIE, Esq., called; and Examined.

*D. Crombie, Esq.*

13 June 1906.

24851. (*Chairman.*) Would you kindly tell us how long you have been secretary to the Prison Commission for Scotland?—For seven years. I have been twenty-five years in the Prison Department.

24852. You have been so kind as to give us a statement of your evidence: may we put it on the notes?—Yes, certainly.

STATEMENT OF THE EVIDENCE PROPOSED TO BE GIVEN BY DAVID CROMBIE, ESQ., SECRETARY AND INSPECTOR, PRISON COMMISSION FOR SCOTLAND.

A statement has already been submitted by the Prison Commissioners for Scotland to the Commission showing the various classes of mentally defective persons received into Scottish prisons, the authority under which they are detained, the funds out of which their maintenance is paid, and how they are discharged out of custody.

Mentally defective persons are dealt with by the Prison Commissioners in five different ways:

I. By removal to the criminal lunatic department.

II. By removal to a local asylum by warrant of the Sheriff granted under Section 6 of the Act 34 & 35 Vict. c. 55.

III. By detention in prison during sentence, and on expiration of sentence by being handed over to the inspector of poor.

IV. By detention in prison under Section 15 of the Act 25 & 26 Vict. c. 54.

V. By removal to a local asylum by warrant of the Secretary for Scotland under Section 89 of the Lunacy (Scotland) Act 1857, 20 & 21 Vict., c. 71.

I. The cases received into and dealt with in the criminal lunatic department are King's pleasure lunatics, insane convicts, and some ordinary prisoners. The maintenance of all these persons is paid for by the Prison Commissioners out of the Vote for Prisons, Scotland.

Discharge.—King's pleasure lunatics may be discharged from the criminal lunatic department by order of the Secretary for Scotland under the provisions of the Criminal and Dangerous Lunatics (Scotland) Amendment Act, 1871. The discharge may be.

(*a*) A conditional discharge "on such terms and conditions as shall be specified in the Order";

(*b*) A transfer to an asylum; or,

(*c*) An absolute discharge out of custody. (There have been only six of such cases.)

In the case of a person found insane in bar of trial, he may, on becoming sane, be brought up for trial, and may be sentenced by the Court, discharged, or found to have been insane at the time of committing the offence and returned to the criminal lunatic department. During the last twenty-six years there have been thirteen cases so dealt with.

When a King's pleasure lunatic is now transferred to an ordinary asylum, it is ordered by the Secretary for Scotland that if at any time the managers or other administrators shall consider the lunatic fit for liberation, they shall intimate their opinion to the Secretary for Scotland, in order that he may consider the advisability of issuing any order conveying the lunatic back to Perth under Section 5 of the 1871 Act.

The number of King's pleasure lunatics and insane convicts and prisoners received into and discharged from the criminal lunatic department during the last five years is as follows:—

KING'S PLEASURE LUNATICS.

| Year. | In custody at beginning of year. | Received. | | | | Discharged or died. | In custody at end of year. |
|---|---|---|---|---|---|---|---|
| | | From Prisons. | Direct from Court. | On re-committal. | Total. | | |
| 1901 | 40 | 3 | — | 1 | 4 | 2 | 42 |
| 1902 | 42 | 10 | — | — | 10 | 6 | 46 |
| 1903 | 46 | 6 | 1 | 1 | 8 | 8 | 46 |
| 1904 | 46 | 2 | — | 2 | 4 | 7 | 43 |
| 1905 | 43 | 3 | 1 | 1 | 5 | 4 | 44 |

CONVICTS AND PRISONERS FOUND TO BE INSANE WHILE SERVING THEIR SENTENCES.

| Year. | In custody at beginning of year. | Received. | Discharged or died. | In custody at end of year. |
|---|---|---|---|---|
| 1901 | 6 | 2 | 4 | 4 |
| 1902 | 4 | 4 | 3 | 5 |
| 1903 | 5 | 5 | 3 | 7 |
| 1904 | 7 | 5 | 5 | 7 |
| 1905 | 7 | 4 | 4 | 7 |

Insane convicts and ordinary prisoners in the criminal lunatic department are removed therefrom on expiration of sentence to prison of committal and handed over to the inspector of poor to be cared for.

25 & 26 Vict. c. 54.

Under Section 19 of the Lunacy (Scotland) Act, 1862, the Secretary for Scotland has power to detain in the criminal lunatic department after expiration of sentence a prisoner whose "insanity is of a kind which renders it advisable that he should be detained in the lunatic department rather than in a lunatic asylum." This power has been exercised in only one case.

The class of criminal lunatics to be detained in the criminal lunatic department was defined in the Statutory Rules for Prisons in 1874 to be those "who from the dangerous character of their lunacy or other conditions cannot be appropriately treated in an ordinary asylum, consistently with the public safety or the proper treatment of other classes of lunatic patients."

The Commissioners do not think that this definition has always been kept in view, and many persons have been committed to the criminal lunatic department who do not come under the classification of the rule.

Some with a slight mental defect, charged with some petty offence, have been found at trial to be insane and ordered to be detained in the criminal lunatic department during His Majesty's pleasure. The proper place for such persons is an ordinary lunatic asylum, and had these persons been properly looked after, they would not have become a burden on the State. This abuse of a State criminal lunatic asylum is exemplified in the case of—

J. McC., an old Irishman, about sixty-five years of age. His criminal career extends over a period of twenty-five years, during which he has been convicted twenty-five times for theft, and has received sentences amounting to fifteen years. When out of prison he resided in model lodging houses or in poorhouses. The offence with which he was charged and for which he was committed to the criminal lunatic department was picking up two bags from one of the quays in Glasgow. During the five months prior to committing this offence he was four times in and out of a poorhouse, spending 116 days therein and thirty-seven at liberty. He is a harmless senile dement whose recovery is hopeless.

The case of M. B. is another example. This woman is thirty-one years of age; married, and has had three children, of whom one survives. Her marriage was an unhappy one and after four years the home was broken up. She then began drinking and frequently got into trouble with the police. There are thirteen convictions recorded against her, chiefly for theft, with sentences varying from seven days to nine months. When in prison in July, 1902, she was certified insane and removed to an asylum, but she was afterwards discharged. In November following she was charged with stealing a watch from a drunken man, found to be insane, and placed at His Majesty's pleasure.

II. Mentally defective prisoners—either untried or tried—may be removed to an asylum by warrant of the Sheriff under Section 6 of the Criminal and Dangerous Lunatic Act, 1871, 34 and 35 Vict. c. 55, or to the criminal lunatic department by warrant of the Prison Commissioners. Removal to the criminal lunatic department is optional, and is determined by the Commissioners.

Warrants granted by the Sheriff in terms of Section 6 of the 1871 Act cease to be operative for the detention of insane prisoners in asylums when, as regards untried prisoners, criminal proceedings are dropped or the cases are otherwise disposed of. As regards a convicted prisoner, the Sheriff's warrant ceases to be operative whenever the prisoner's sentence comes to an end. In the event of the prisoner recovering before the end of his sentence he is re-transferred to prison to serve the remainder of his sentence. A copy of the form of petition to the Sheriff is attached. (*Vide enclosure No.* 1, *page* 254.)

Here there is room for improper use. The State pays for the maintenance of these persons so long as they are prisoners, and it is a fact that prisoners are discharged from asylums when liability for their maintenance falls on the rates, and soon find their way back to prison.

The Commissioners have drawn the attention of the Lunacy Commissioners to the matter, in order that they might, if they saw fit, make local inquiry, but have been informed that the Lunacy Commissioners do not attach importance to these facts. I think it would be a safeguard against such persons returning soon to prison if they were not discharged from an asylum until they were seen by a Commissioner in Lunacy.

RETURN showing number of prisoners transferred to the Criminal Lunatic Department, excluding King's pleasure lunatics, and to Asylums under Sec. 6 of the Criminal and Dangerous Lunatics (Scotland) Amendment Act, 1871.

| Year. | To Criminal Lunatic Department. | | | To Asylums under Sec. 6. | | |
|---|---|---|---|---|---|---|
| | Untried. | Tried. | Total. | Untried. | Tried. | Total. |
| 1901 - - - | — | 2 | 2 | 22 | 14 | 36 |
| 1902 - - - | — | 4 | 4 | 22 | 17 | 39 |
| 1903 - - | — | 5 | 5 | 15 | 19 | 34 |
| 1904 - - - | — | 5 | 5 | 18 | 31 | 49 |
| 1905 - - - | 1 | 3 | 4 | 26 | 10 | 36 |
| Total - - | 1 | 19 | 20 | 103 | 91 | 194 |

III. *Weak-minded Delinquents.*—The question of dealing with weak-minded delinquents sent to prison to undergo imprisonment, who are not certifiable as insane in prison, has received the attention and consideration of the Prison Commissioners for a considerable time. The matter was very carefully inquired into in 1901 by the then acting medical adviser to the Commissioners. His report, a copy of which is appended to these notes, was published as an appendix to the Commissioners' Annual Report for 1901. (*Vide enclosure No.* 2, *page* 256.)

Dr. Dunlop states that when he wrote this report he was under the impression that Section 89 of the 1857 Act was superseded by Section 6 of the 1871 Act.

The procedure at present followed in dealing with such persons was designed for the requirements of mild cases which are not certifiable for asylum treatment so long as they are under care in the prison. When such a prisoner is discharged from prison, the inspector of poor is informed that he is insane and unable to take care of himself when at liberty, and requested to take care of him on liberation. A copy of the intimation made to the inspector of poor is attached. (*Vide enclosure No.* 3, *page* 260.)

How these weak-minded prisoners are dealt with after discharge and what becomes of them is not reported to the Commissioners, but from inquiries made it has been ascertained that the cases so dealt with during the last three years have been disposed of as follows:—

| Year. | Total. | Action taken by Parish Authority. | | |
|---|---|---|---|---|
| | | Certified and admitted to Asylums. | Not certified. | Not known by Prison Commissioners. |
| 1903 - - - | 58 | 37 | 21 | — |
| 1904 - - - | 39 | 25 | 3 | 11 |
| 1905 - - - | 21 | 13 | 7 | 1 |

*D. Crombie, Esq.*

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The case of C. K., age forty-one, is a striking example of a presumably insane person being repeatedly sent to prison.

This woman was born in Ireland; is a widow and has had five children. About 1884 she began to have fits and gave way to drink, and was twice sent to an asylum by the parish authorities. During the last twelve years she has been:

Seventy times in prison, chiefly for drunkenness; eight times in poorhouse; twice sent to asylum by inspector of poor; six times during 1902–6 certified insane in prison and sent to asylum by prison authorities.

A great portion of her time is spent in prison, *e.g.*, in 1902 she was convicted nine times and received sentences amounting to 301 days, and in 1903 six times, the periods of the sentences totalling 176 days. She was last sent to prison on March 23rd, 1906, and three days later certified insane and removed to an asylum.

T. O'H. is a typical case of an imbecile who, for lack of proper treatment, is frequently sent to prison. He is twenty-three years of age and suffers from dementia. He was reported three times in one year to the inspector of poor as insane and requiring asylum treatment on liberation from prison, but the parochial medical officers refused to certify him insane. On one occasion only three days elapsed between his liberation from and re-committal to prison. He was last sent to prison in May, 1906, for breach of the peace.

Other cases could be cited in addition to the above, and those quoted by Dr. John Macpherson in his evidence before the Commission (pp. 2421–2), to illustrate the present difficulties of dealing satisfactorily with mentally defective offenders, and the necessity for providing some means for the compulsory detention of such persons.

IV. Persons found in a state threatening danger to the *lieges* or in a state offensive to public decency, may be and are occasionally committed as dangerous lunatics to a prison as a place of safe custody under Section 15 of the Lunacy (Scotland) Act, 1862, pending inquiry into their case. They are committed by the sheriff at the instance of the procurator fiscal or inspector of poor or other person. The sheriff, through the procurator fiscal, orders their discharge from prison, and they may be removed by order of the court direct to an asylum, or handed over to the inspector of poor on the latter making arrangements for safe custody, or to any other person finding caution for safe custody.

The procedure of committing such persons to prison is followed in very few towns. During 1905 there were seven persons so dealt with and they were all committed to one prison.

V. Under Section 89 of the 1857 Act untried or tried prisoners mentally defective, may be removed from prison by warrants of the Secretary for Scotland to an asylum, and detained therein until certified sane to the Secretary for Scotland, who then issues an order as to the prisoners' disposal.

It is not clear whether it was intended that this Section of the 1857 Act was to be repealed and superseded by Section 6 of the 1871 Act. There is also a doubt as to what authority is liable for payment of maintenance in the asylum, the question never having been settled, and consequently Section 89 has practically fallen into desuetude. Indeed the records show that only one case has been dealt with under Section 89, viz. that of:—

*T.G.* in 1903.—This man was much addicted to drink, and was repeatedly sent to prison for drunkenness, and was a pest to society and the criminal authorities. He had epileptic fits and appeared stupid and confused. In February, 1903, he was certified insane by the prison medical officer, but the parochial medical officer refused to certify. Prisoner was handed over to the inspector of poor and on refusing to go to the poorhouse was set at liberty. He was soon back to prison. He was again committed to prison in October, 1903, when it was reported to the sheriff that he could not be dealt with under Section 14 because the parish medical officer declined to certify him. The sheriff and two medical persons then inquired in terms of Section 89 as to his mental condition and certified him as insane to the Secretary for Scotland, who thereupon issued a warrant for his discharge from prison and his removal to an asylum. He was detained in the asylum until August, 1905, when he was certified to be of sound mind and the Secretary for Scotland in due course ordered his discharge.

The question of establishing a separate department at Peterhead Prison for the treatment of weak-minded convicts has been discussed by the Commissioners for some considerable time. They number about seven. The warders being fully instructed as to the defects of these men, the Commissioners find that these borderland cases can be managed along with the other convicts and have determined not to move in this matter at present. The alternative of sending them to the Criminal Lunatic Department would not provide for the treatment they require, and a small group in such a department at Peterhead with special privileges and comforts would, they think, not work well.

The Commissioners think that Section 89 of the 1857 Act should be put into regular use as better fitted to secure the proper care of cases from prisons than Section 6, the certificate of which lapses at the end of the prisoners' sentence. But the cost of maintenance of such persons when they are no longer prisoners should be a burden on the rates and not on the State.

*May 31st*, 1906. D. CROMBIE.

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(ENCLOSURE No. 1.)

34 & 35 Victoria, Cap. 55, Sec. 6.

PETITION to the SHERIFF to grant order for the reception of——————
A Prisoner in——————Prison——————into the Asylum at——————

UNTO the HONOURABLE the SHERIFF of the County of——————
and his Substitutes.

The PETITION of——————
Governor of——————Prison——————as representing The Prison Commissioners for Scotland, incorporated under the Prisons (Scotland) Act, 1877, administrators of said Prison.

*Humbly Sheweth,*

34 & 35 Vict., cap. 55, Sec. 6. That by Section 6 of the Criminal and Dangerous Lunatics (Scotland) Amendment Act, 1871, it is provided that "When in relation to any person confined in a local prison in terms of the 'Prisons (Scotland) Administration "Act, 1860,' it is certified, on soul and conscience, by two medical persons that they have visited and examined "such prisoner, and that in their opinion he is insane, it shall be lawful for the Sheriff, on summary application "at the instance of the administrators of such Prison, by a warrant under his hand, to order such prisoner to be "removed to a lunatic asylum," and that it appears from the appended Medical Certificates by two Medical Persons that——————presently confined in ——————Prison——————is insane.

May it therefore please your Lordship by a Warrant under your hand to order the said——————
——————to be removed from——————Prison——————
to the Lunatic Asylum at——————
and to sanction his admission into the said Asylum.

*Governor*——————*Prison*——————

Dated this——————day of——————Nineteen Hundred and——————

*D. Crombie, Esq.*

13 June 1906.

## STATEMENT OF PARTICULARS REGARDING PRISONER.

*(If any of the particulars are not known, the fact to be so stated.)*

1. Prisoner's Reg. No., Name, and Age, - - - -
2. Whether Married, Single, or Widowed, - - -
3. Date when first received into Prison, - - - -
4. By what Court committed (if untried), - - -
5. Date of sentence, and by what Court (if convicted), -
6. Offence, - - - - - - - - - - -
7. Length of sentence, - - - - - - - -
8. Date of expiration of sentence* - - - - -
9. Condition of life, and previous occupation, - - -
10. Previous place of abode, - - - - - - -
11. Length of time insane, - - - - - - -
12. Whether first attack, - - - - - -
13. Age (if known) on first attack, - - - - - -
14. If Prisoner has been previously in an Asylum, state fact and date of latest admission, with name of Asylum, - - - - - - - - - -
15. Duration of existing attack, - - - - -
16. Supposed cause, - - - - - - -
17. Whether subject to epilepsy, - - - - -
18. Whether suicidal, - - - - - - - -
19. Whether dangerous to others, - - - - - -
20. Name and residence of nearest known relative, and degree of relationship, - - - - - -
21. Is any member of the family known to be, or have been, insane, - - - - - - - - -
22. Special circumstances (if any) preventing the insertion of any of the above particulars - - -

I certify that, to the best of my knowledge, the above particulars are correctly stated.

———————————————*Governor.*

*Prison of*———————————————

* NOTE.—The authority for detention given under this Warrant ceases on expiration of sentence.

## MEDICAL CERTIFICATE, No. 1.

I, the undersigned,———————————————
being a[1] ———————————————
and being in actual practice as a[2] ———————————————
do hereby certify, on soul and conscience, that I have this day, at H.M. Prison———————————————
———————————————in the County of———————————————
separately from any other Medical Practitioner, visited and personally examined[3] ———————————————
———————————————
and that the said———————————————is a[4] ———————————————
———————————————and a proper person to be detained under care and treatment, and that I have formed this opinion upon the following grounds, viz. :—

1. Facts indicating Insanity observed by myself : ———————————————
———————————————
———————————————
———————————————
———————————————

2. Other facts (if any) indicating Insanity communicated to me by others : [6]———————————————
———————————————
———————————————
———————————————
———————————————

*Name and Medical Designation,* ———————————————

*Place of Abode,*———————————————

Dated this———————————day of ———————————————One Thousand Nine Hundred and———————————————

[1] Set forth the qualification entitling the person certifying to grant the Certificate, *e.g.*, Member of the Royal College of Physicians in Edinburgh.

[2] Physician or Surgeon, or otherwise, as the case may be.

[3] Insert designation.

[4] Lunatic, *or* an insane person, *or* an idiot, *or* a person of unsound mind.

[5] State the facts.

[6] State the information, and from whom derived.

**Question 24852.**



*D. Crombie, Esq.*

13 June 1906.

MEDICAL CERTIFICATE, No. 2.

I, the undersigned, ——— being a[1] ——— and being in actual practice as a[2] ——— do hereby certify, on soul and conscience, that I have this day, at H.M. Prison ——— in the County of ——— separately from any other Medical Practitioner, visited and personally examined[3] ——— and that the said ——— is a[4] ——— and a proper person to be detained under care and treatment, and that I have formed this opinion upon the following grounds, viz.:—

1. Facts indicating Insanity observed by myself:[5] ———

2. Other facts (if any) indicating Insanity communicated to me by others:[6] ———

*Name and Medical Designation,* ———

*Place of Abode,* ———

Dated this ——— day of ——— One Thousand Nine Hundred and ———

(*Place*) ———

(*Date*) ——— 190

THE Sheriff having considered the foregoing Petition, with relative Medical Certificates affixed, hereby grants Warrant for the removal of ——— from the Prison of ——— to ——— Asylum.

(*Signature*) ———

[1] Set forth the qualification entitling the person certifying to grant the Certificate, *e.g.*, Member of the Royal College of Physicians in Edinburgh.

[2] Physician or Surgeon, or otherwise, as the case may be.

[3] Insert designation.

[4] Lunatic, *or* an insane person, *or* an idiot, *or* a person of unsound mind.

[5] State the facts.

[6] State the information, and from whom derived.

(ENCLOSURE No. 2.)

*Report on Weak-minded Delinquents and their Treatment, by James Craufurd Dunlop, M.D., F.R.C.P. Edinburgh, formerly Acting Medical Adviser to the Prison Commissioners.*

During my term of office as acting medical adviser, my attention was often directed to the presence in prison of weak-minded individuals, and to the question as to how they could best be dealt with. The difficulties in securing adequate treatment for them were so great that I determined by collecting cases to draw the attention of the Prison Commissioners to the matter.

The existence of this class of delinquent is no new observation. Their presence in prison is known to all connected with the Prison Service, and on them there has been bestowed much thought. The present time, however, may be a not altogether inappropriate one in which to reopen the question of their treatment, as within recent years the trend of public and scientific opinion is to lay more stress on the mental state (the responsibility) of the criminal and its suitable treatment, rather than on the punishment of the crime itself. It may safely be stated that there exists a class of delinquent for which the treatment by imprisonment is wholesome and right, for to them prison is sufficiently deterrent to prevent their repeating their delinquencies, but that there also exist classes of delinquents who are not efficiently treated by punishment pure and simple. Among these latter classes that of the young offender is now fully acknowledged and legislated for, that of the habitual inebriate is being provided for, but that of the weak-minded, the insane offender, appears to still require special legislation.

It was in April last (1901) that I approached the Commissioners in the matter, and asked from them permission to collect the necessary detail for this report. As a result they issued to all the prisons a letter requesting the governors, chaplains, and medical officers to record particulars regarding all cases of this class which might come under their notice during a period of six months, from May 15th to November 15th. The outcome of this circular letter was the receipt of records of the more essential facts regarding eighty-five cases. It is not in all cases desirable that these records should be published *in extenso*, and I consequently give a selection only. In preparing the cases included in that selection I have been careful to obliterate any trace of the individual, or of the place of his residence, or even of the prison in which he was confined.

The class of prisoners referred to in the circular letter, and in this report, was defined as including "those persons who, as a direct result of being unable to take ordinary care of themselves, repeatedly commit crimes or offences, and are as a consequence not unfrequently in prison. These persons are often not sufficiently insane to be certifiable, or, if certifiable, would probably be not long retained in a pauper asylum." This definition is of necessity somewhat vague. It was framed to include cases of minor insanity, who by reason of that insanity are unable to care for themselves, and who by reason of want of supervision repeatedly commit delinquencies, cases where, in fact, mental weakness is the primary cause of the delinquencies, and want of supervision a secondary one. The class of case does not include that of lunatics, who when suffering from acute or chronic insanity commit serious crime and who are at present dealt with by prolonged detention in a criminal lunatic asylum. It is with the existence of the borderland cases, and cases which are a nuisance to the community in virtue of the repetition of their offences, or sometimes even a danger, that this report is concerned.

The class of the weak-minded delinquent is capable of sub-division; it includes a large variety of individuals, but that is a matter I do not propose here to discuss, my object being by recording some cases to establish the fact of their existence and to indicate what is required for their proper treatment, and not to write a psychological thesis. In recording the cases I have endeavoured to classify to some extent by grouping those which illustrate certain mental states, such as congenital weak-mindedness (imbecility) and acquired weak-mindedness (dementia) and others, to illustrate how the nature of the offence may also be used as a means of classification.

Before suggesting a reform in the treatment of the weak-minded prisoner it is only right that I should state the powers already possessed by the Commissioners for that purpose, and by recording the result of treatment in the cases under review point out in what respects those powers are insufficient. As a matter of fact, only a small proportion of this class of prisoner is at present dealt with as insane. Experience has demonstrated that only in the more aggravated cases is there any reasonable hope of securing that these persons will be efficiently treated,

All are dealt with now. D.C., 31.v.06.

and the prison medical officers take no action in the majority of the cases. Of the eighty-five cases reported only twenty-seven were treated as insane, while the remaining fifty-eight were not dealt with.

The methods at present available are three in number. A person found to be insane in prison may (1) be transferred to the Criminal Lunatic Department in terms of Section 22 of the Lunacy Act, 1862, or (2) he may be transferred to a district or other asylum in terms of Section 6 of the Criminal and Dangerous Lunatics (Scotland) Amendment Act, 1871, or (3) if his case be not urgent he may be handed over to the local authority at the expiry of his sentence to be treated as an ordinary pauper lunatic. Of the eighty-five cases at present under consideration, none were dealt with by removal to the Criminal Lunatic Department, thirteen were removed to ordinary asylums, and fourteen were handed over to the local authorities on the expiry of their sentences.

Removal to and treatment in the Criminal Lunatic Department of Perth General Prison is not often adopted for the class of prisoner now under consideration, because of the short duration of the sentence. Power exists under certain circumstances for the detention beyond the expiry of the sentence, but that is a power which has within recent years rarely if ever been used. That power is given by Section 19 of the Lunacy (Scotland) Act, 1862; it applies only to cases where "the insanity is of a kind which renders it advisable that he should be detained in the lunatic department of the said General Prison at Perth rather than in a lunatic asylum." This clause is a very exclusive one, and does not apply to the ordinary weak-minded prisoner, because the ordinary weak-minded prisoner can be treated as well if not better in an ordinary asylum as in the Criminal Lunatic Department. Consequently the treatment of the weak-minded ordinary prisoner, dealt with by removal to the Criminal Lunatic Department within a short period when his sentence ends, passes on to the parochial authority.

The removal of the insane prisoner to an ordinary asylum in terms of Section 6 of the Criminal and Dangerous Lunatics (Scotland) Act, 1871, is a method of treatment frequently adopted. Of the eighty-five cases at present under consideration, thirteen were so treated. But this, like the first method, has one great objection; it does not secure a treatment which is sufficiently lengthy to be beneficial. The sheriff's warrant for removal under Section 6 to an asylum secures the detention of the insane person to the date of the expiry of his sentence but no longer, and when that date arrives the case falls to be dealt with by the local authorities in much the same way as if the insane prisoner were handed over to them in the ordinary way. At the expiry of the prisoner's sentence the original medical certificates obtained by the prison authority are held to be invalid, and re-certification is considered necessary. The records of the thirteen cases here mentioned show that seven were released at the expiration of their sentence or detained for a short time only after the sentence ended; only six were detained for lengthened care and treatment. The fact that three out of the seven discharged cases reappeared in prison within a few weeks may be taken as a proof that proper care is not given to the weak-minded prisoner certified in terms of Section 6 and transferred to local asylums.

Treatment by the third method—that of handing the weak-minded person over to the care of the local authorities at expiry of the sentence—is also frequently adopted. It was done in fourteen out of the eighty-five cases. The subsequent history of these cases shows that of the fourteen only five were given asylum treatment, while to nine it was refused. Of the five put into asylums four were detained for a brief period, and only one for a longer period. Of the four thus discharged from asylums two shortly afterwards reappeared in prison. Of the nine who were not sent to asylums four have reappeared in prison.

From the above description of modes of treating insane prisoners it is evident that whichever method may have been adopted at the commencement, the ultimate responsibility for their proper care lies with the local authorities, for whether the prisoner is put into the criminal lunatic department, or removed to an asylum under Section 6, or handed over to the inspector of poor at the expiry of sentence, his supervision sooner or later is left to the entire discretion of the local authority. The outcome of that discretionary power is shown by the figures given above. Eighty-five cases of insanity of a more or less pronounced nature were found in prison. Of them twenty-seven were by one or other method handed over to the local authorities for treatment. Of the twenty-seven, eighteen received asylum treatment, but of those eighteen only eight received that treatment for more than a very limited time, while out of the twenty-seven cases nine are known to have within a short while returned to prison.

The evident reasons for these cases not receiving the care which the helplessness of their condition deserves, appear to be (1) the question of expense, (2) the present overcrowded state of pauper asylums, and (3) the power given by law to each medical superintendent to discharge any case when he considers him fit. When an asylum is full, and receptions of acute cases are expected, it is only reasonable to suppose that some of these unfortunate persons are discharged before they would be under more favourable circumstances.

The remedy of the present unsatisfactory state of affairs appears to be in the segregation of these unfortunate helpless creatures in some institution where they will be detained until they are either sufficiently strengthened to care for themselves or until some responsible guardians can be found to be responsible for them, and, as it may be assumed that in many instances neither the one nor the other alternative will occur, the confinement may be very prolonged.

The founding of a special institution for weak-minded offenders would be somewhat expensive, but the expense would be well compensated; it would on the one hand secure the safe keeping of many helpless individuals, and on the other free society from their presence, which is a great nuisance, if not an actual danger. The class must, as affairs now are, tax the community heavily; the damage they do, the thefts they commit, the necessary police watching, the expenses of repeated trials and imprisonments must amount to a large sum annually.

On whom the expense of the better treatment of the weak-minded prisoners should fall—whether on the State or on the local authority—is a matter outside the purpose of my report, for my task is restricted to establishing the fact of the existence of the class and to suggesting what the treatment should be. My personal opinion is that their care would be best ensured by treatment in a special criminal lunatic asylum. Under that system the present discretionary power of the medical superintendents of the pauper asylums and of the local authorities would be abolished, and the responsibility would rest entirely on the State officials. A slight modification of Section 19 of the Lunacy (Scotland) Act, 1862, would give the necessary power, for if the words "rather than in a lunatic asylum" were omitted and other verbal alteration made, the clause would read—

"If at any time within sixty days of the expiration of the sentence of any convict or ordinary prisoner confined in a prison, it is certified on soul and conscience by two or more medical persons, that they have personally visited and carefully examined the prisoner within the said sixty days, and that he is in their opinion insane, and that his insanity is of a kind which renders it advisable that he should be detained in a criminal lunatic department [words here omitted], it shall be lawful for His Majesty's Secretary for Scotland, by a writing under his hand, to authorise such prisoner to be detained in a criminal lunatic department after the expiration of his sentence, and such prisoner may thereupon be detained accordingly, provided that it shall at any time thereafter be lawful for His Majesty to give such order for the safe custody of such prisoner during His Majesty's pleasure in such place and in such manner as His Majesty shall see fit." Power as given by the section so modified should be ample to secure the proper treatment and care of the weak-minded prisoner.

I give below extracts from the records of weak-minded prisoners received in prison between 15th April 1901 and 15th November 1901.

I must acknowledge the co-operation of the officers of the prisons, it being to them that I am indebted for the details of the cases. The governors and the chaplains all assisted in the work, but the more responsible part, the giving the technical opinion as to insanity, devolved on the medical officers, and consequently it is to them that I owe the greatest thanks for assistance.

Question 24852.



D. Crombie, Esq.

13 June 1906.

EPITOME.

| | |
|---|---|
| Number of weak-minded prisoners reported, April to November 1901 | 85 |
| Of whom :— | |
| Not dealt with as insane | 58 |
| Sent to Criminal Lunatic Department | 0 |
| Sent to lunatic asylums direct | 13 |
| Handed over to local authorities | 14 |
| (Of these 14, 5 were admitted to asylums, 9 were refused asylum treatment.) | |
| In asylums on 1st March 1902 | 8 |
| Number who, *after being sent to asylum or handed over to local authorities*, have returned to prison before 1st March 1902 | 9 |

ILLUSTRATIVE CASES.

*Congenital Weak-Mindedness.*

*Case* 1.—Female. Age 23. This young woman is the daughter of an epileptic father, and of a mother who, though not insane in the ordinary acceptation of the term, may fairly be described as silly. She was brought up in great poverty, her father being often unable for work and the family frequently depending for support on the proceeds of a small cooked meat and vegetable shop in the slums. She has two brothers and two sisters. One sister is an habitual drunkard and prostitute, the other is an imbecile who, though about twenty years old, is unable to dress or care for herself. The woman herself is illiterate, she was never able to learn at school, she has a very defective power of speech, her parents state they can understand what she says, but the prison officials cannot do so. She is clean in her habits and a good worker. The account of her home life states that until about a year previous to her present conviction her conduct was good, but since then, by being led on by her vicious sister and that sister's friends, she has become a drunken prostitute, and has been six times committed to prison for breaches of the peace. At the expiry of her sentence this girl was examined by two medical men, certified insane, and removed to an asylum; but as so often happens with cases of this nature, she was not long detained there, and within four months was back in prison, committed for the same offence and in the same mental condition; she was again certified and sent to an asylum. This case illustrates how a case of congenital weak-mindedness may, if not cared for, become an habitual in prison, and how the necessary prolonged asylum treatment is at present not given.

*Case* 2.—Male. Age 21. His occupation is that of a tinker. He can read and write. He is described as "a congenital imbecile with a weak, ill-balanced brain. No delusions, but is highly emotional, excitable, and changeable in his moods. He weeps and laughs. He is aggressive when in drink. He is microcephalic, his head is narrow, defective posteriorly, and to some extent asymmetrical. Marked indistinctness of utterance. Choreic movement of limbs and head." There is no history of epilepsy. This lad some time ago was convicted of malicious mischief, and on that occasion was certified insane and sent to an asylum. He again came to prison sentenced for breach of the peace, and was again certified and removed to an asylum, but only detained there two and a half months, being "discharged on a minute of his parish council."

*Acquired Weak-mindedness.*

*Case* 3.—Woman. Age 56. Of some education. She is unmarried and not in touch with any relative. At times has lived by tramping and begging, at other times by "backet-ranging." She is quite unfit to take ordinary care of herself. Has been in a lunatic asylum, in Salvation Army Homes, and poorhouses. She has within two years undergone twenty-two sentences of imprisonment, ranging from three to twenty-one days. Her condition is described by the prison medical officer thus:—"A confirmed alcoholic, broken down mentally and physically by chronic alcoholism. No delusions." This case well illustrates the utter uselessness of short imprisonments as a means of curing or reforming the alcoholic dement, for this is a case who has undergone twenty such courses of treatment in two years without the least signs of improvement.

*Case* 4.—Man. Age 30. Received a fair elementary education, can read and write. Has been subject to epileptic fits since the age of 14. His present mental condition is described as "simple, emotional, and impulsive." His conduct is stated to be peculiar for some time after having a fit. He has no one to take care of him at home; neither he nor the local police know whether his parents are dead or alive. He is a known character in the town where he lives, going under the nickname of "Daft Daniel." He is addicted to drink. When provoked by boys he readily loses his temper and assaults them, and has recently been twice imprisoned for doing so. He is an epileptic dement. In his case the uselessness of prison treatment is obvious, for he is quite insusceptible to its deterrent influence.

*Cases of Assault.*

*Case* 5.—Man. Age 35. Can neither read nor write. He is strong and muscular, but with some signs of degeneracy; he has an external strabismus, a low and receding forehead, and a coarse, gaunt expression. He lives with a sister and three brothers. His parents are both dead. His education is faulty; this may be partly due to his being excused from school to help his mother. His mental state is described as weak-minded, excitable, and lacking self-control. He has what appears to be a mania for assaulting people, and has been known to do that in some cases without any provocation. During the last two years he has been ten times imprisoned for assault and five times for other offences, these imprisonments amounting to 466 days. He has on several occasions assaulted prison warders. He has during the last ten years been five times certified as a lunatic and received into asylums. He has, however, never been detained there long; on four of those occasions his detention was less than seven weeks, on the remaining occasion it was four months. He was certified during a recent sentence and removed to an asylum, but only remained there till the expiry of that sentence, a matter of a few weeks.

*Case* 6.—Man. Age 40. An old soldier who is making a fair living as a lodging-house keeper. He has been drinking heavily for some years past. His mental condition is much deteriorated; he has fixed delusions, these delusions being those of suspicion against his wife's conduct. During the last six months he has been twice convicted of assault. When undergoing his second sentence he was certified as insane and removed to an asylum; he was discharged from there at the expiry of his sentence as "recovered," but within a few days he committed the offence of recklessly discharging fire-arms, and was again sent to prison. The danger to the community of allowing this and the previous case to be at large is very evident.

*Cases of Theft.*

*Case* 7.—Man. Age 32. He is able to sign his name, but is otherwise quite illiterate, he does not read. Neither he nor anyone else knows who his parents were, nor even where he was born. He says he was never at school. He has never done any honest labour. When in his teens he was a patient in an asylum; he absconded from there when eighteen years old. It is probable that he has been in other asylums since, but of this there has been no confirmation. During the last eight years he has been convicted six times for theft, four of these times being theft by house-breaking; his imprisonments during that period have amounted to three years and four months. His mental state is described as being weak and of a low type. He is cunning and emotional; he is subject to fits of moodiness and bad temper, and when these are on him he refuses food. He is a case of congenital imbecility.

*Case* 8.—A lad, aged 20. Illiterate, can neither read nor write. Has made a living as a newspaper boy. Recently he has sometimes lived with his parents, some times in a common lodging-house, and at other times anywhere he could. He is of low intellect, with a dull, expressionless face, and either cannot or will not answer questions properly. He is suspicious, and although apparently dull and stupid, he exhibits a good deal of cunning. He persistently understates his age. He has repeatedly been committed for theft and being a known thief for intent to steal. Two years ago he was treated in an asylum for about ten weeks.

*Case* 9.—Woman. Age 47. An habitual drunkard, who has been known to the prison officials for years. She describes herself as a housewife, but that is not correct, as she has no fixed place of residence; she spends

a part of her time when out of prison in a sister's house, a part in a male acquaintance's house, and a part is not accounted for; she sometimes works as a charwoman. Her convictions are many; during the last two years she has been five times in prison, with sentences ranging from seven days to five months. Her offences have been disorderly conduct, drunkenness, and theft. After one imprisonment she was handed over to the parochial authority for treatment as a lunatic, but this cannot have been long continued, as only some weeks elapsed before she was back in prison. Her mental condition is described as an imperfectly developed dementia; she has, however, at times been quite demented after drinking bouts. She is subject to fits. She has been frequently in a poorhouse.

*Cases of Sexual Offences.*

*Case* 10. Man. Age 40. He has been three times convicted during the previous two years, once being for assault, and twice for assault with intent to ravish, one of the victims of the latter being a young girl. His employment is that of a fisherman. He resides with a brother and two sisters; the latter are described as being as peculiar as himself, and live a secluded life, not associating with any of the neighbours. No record can be found of any member of the family receiving asylum treatment. He is a strong, muscular man. In his native village he is considered not right in the head, and owing to his eccentricities the villagers are afraid of him. He speaks to himself and laughs to himself; he is of a dour disposition, and seldom or never speaks to any person unless he is first spoken to. During the last few years he has been in the habit of trying to get hold of women, and this unfortunate habit has gone so far that the women are afraid to move about the outskirts of the village after dark unless several are together. There is no history of epilepsy or excessive drinking. The prison medical officer describes his mental state as weak-minded with some delusions.

*Case* 11.—Woman. Aged 25. Has been a prostitute for several years. She has been nineteen times in prison during the last two years, her offences being importuning, drunkenness, and disorderly conduct. She has an ordinary education. Her father died about thirteen years ago, her mother ten years ago. She is described as being when in prison usually quiet and well-behaved, but inclined to stubbornness. She has recently developed delusions of suspicion. She has been at least three times in asylums, but has never been detained long there.

*Case* 12.—Woman. Aged 37. Quite illiterate. Parents died years ago. Father was a steady man, the mother an inebriate. Her brothers and sisters live respectably. At the age of eighteen she became a prostitute and has been one since. During the nineteen years that have elapsed since she became a prostitute she has been convicted over sixty times, she has been in poorhouses thirty-nine times, and has given birth to no fewer than eight illegitimate children. The police describe her as "a common prostitute . . . whom no amount of persuasion or kindness on the part of charitable friends can induce to deviate from her usual practices." The police might have added that imprisonment has also failed to correct her misconduct. Her mental state when in prison is thus described—"a woman of unstable intellect. Sometimes she works fairly well, at other times she is morose and taciturn and declines to work. During these attacks she is unfit for prison discipline."

*Cases of Disorderly Conduct.*

*Case* 13.—Woman. Aged 28. This case was admitted into prison (*i.e.*, some time after arrest) "in a state of maniacal excitement, she tore her clothing and bedding, she shouted herself hoarse using filthy, obscene, and most abominable language, she attempted to assault anyone who came within reach of her; some days after admission she was certified insane and removed to an asylum. The maniacal excitement continued the whole time she was in prison." The history of this woman shows that for the last six years she had no regular occupation, no fixed home, and no friends. She has done an occasional day's work as a charwoman. She has for years past had bouts such as the one described. She has been at least three times previously in asylums, but only detained there for short periods. On the present occasion her detention in the asylum was a very short one.

*Case* 14.—Man. Age 50. Born in Ireland, but brought to Scotland in childhood. His mother died when he was ten years old, his father died four years ago. This man fell into unsettled habits in his youth and has never followed any regular occupation. For years past he has subsisted by begging or selling bootlaces. He has been addicted to drink. He suffers from chronic mania. He has the delusion that there is an instrument, for which he has invented the name of an "amphonee," and which has been put into his ears to speak to him and annoy him; he states that he has found that the means of keeping this "amphonee" quiet are to shout out or to put paper into his mouth. The former is the course he habitually adopts; and, as can readily be understood, he frequently causes disturbances and gets arrested and punished for breaches of the peace. He has been in asylums, but never long detained there.

*D. Crombie, Esq.*

13 June 1906.

*Case of Vagrancy, Begging, and Sleeping Out.*

*Case* 15.—Man. Age 60. Has been an habitual in prison for twenty years. He has been silly all his days. He is known in his native town by the nickname of "Cow-heel." His mother and father are dead. He has several brothers and sisters; they appear to take no care of him. He has no regular employment, but occasionally gets a well-remunerated job as a cattle drover. He is much teased by street children. He has been frequently in prison for assault, breach of the peace, and drunkenness. During the last two years he has been convicted twelve times, seven of those being for begging. Physically he shows signs of senile degeneration. His present mental condition is thus described:—"Is an old garrulous man very easily affected with alcohol, approaches and speaks to many people on the road whom he may know slightly or not at all. He appears to be of a type very common in villages and country districts, where he would be a butt for the children, but be sufficiently cared for by the community, all the members of which know him and prevent him getting into the hands of the police except perhaps occasionally, but in a large town is sure to be hardly dealt with."

*Case* 16.—Man, age 40. Father is a plumber and now resides in England and is reported to be an inebriate. Mother is dead. Brother has failed to induce him to remain at home. He is illiterate, he was at school for several years, but learned nothing. He has no regular employment; he occasionally does some work at putting coal into cellars. He pays for a bed when he can, but when he cannot, he sleeps in a stackyard or such like place. During the last four months he has been convicted three times for trespass, or trespass and sleeping out. He is reported to be weak-minded from his infancy. His present mental condition is described as "decidedly weak-minded and intellectually feeble." Physically he is small and thin and weak, but with a large head; his height is 4 ft. 10 inches, his weight only 6 st. 13 lbs.

*Case* 17.—Man who states his age to be 20, but looks more like 30 or 35. His parentage and place of birth are not known. In his youth he was boarded out in a town to be "out of the way." He has a fair education, having passed the fifth standard. He does not drink. He never knew his father or mother. He works as a labourer. He has no home. He is in the habit of sleeping at a pit-head, and it is for doing so that he is sent to prison, the charge being trespass and sleeping out. His mental state is described as simple, of feeble intelligence, his answers to questions are sometimes incoherent and unintelligible. He has no delusions. Physically he is thin and weak. He has a vacant expression, a low receding forehead. His speech is thick. He states that he has had epileptic fits, but of this there is no corroboration.

*Cases of Drunken Offences.*

*Case* 18.—Man, age 56. His parentage and home life are not recorded. As a young man he was in a fairly good position, being employed as a druggist's assistant, and subsequently as a travelling agent for a firm of furniture manufacturers. For some years past he has had no regular employment, but has subsisted on the proceeds of odd jobs as a street porter. He has no home, but is generally able to pay for a bed in a lodging-house. During the last two years he has been twenty-four times convicted of being drunk and incapable, his imprisonments during that period of two years amounting to no less than three hundred and sixty-nine days. He now shows well-marked signs of senile degeneration, he is

*D. Crombie, Esq.*

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epileptic, and his mental condition is described as partial dementia with memory much impaired.

*Case* 19.—Woman, age 64. A native of Ireland. Her early home life is not known. She works occasionally as a needlewoman. For years past she has been an habitual drunkard and known to be weak-minded. She has a long list of convictions. During the last eighteen months she has been nine times in prison, her sentences during that period amounting to one hundred and forty-nine days. Her offences have been all of a drunken nature. Her education is imperfect. She is now decidedly weak-minded, crotchety, eccentric, and changeable in her moods, occasionally cross and irritable, at other times humorous. Her mental condition is always worse after drinking, and improves when in prison. This woman two years ago had delusions, she was then certified insane and sent to an asylum, but was not long detained there.

*Case* 20.—Woman, age 47. The only evidence of her having received any education is that she can read a little. She is married, and has one son. She has been living apart from her husband for years, and has now no fixed abode. Until about five years ago her occupation was that of a charwoman; since then she has subsisted by hawking and "midden-raking." During the last two years she has been convicted 26 times for drunkenness and breach of the peace. Her mental condition now is insane with delusions of identity. When her sentence expired she was handed over to the parochial authorities for treatment as a lunatic, but her detention cannot have been long, as she very soon after returned to prison.

*Case* 21.—Woman, age 39. Is wholly ignorant. She is married and has a family. She has been sixteen times convicted of petty assaults, disorderly conduct, and other drunken offences. She has an uncontrollable desire for drink. When drunk she is very outrageous and attacks every person she meets. When sober she is decidedly weak-minded. She takes no interest in household affairs; she is easily led astray, and is reported to have cohabited with several men other than her husband. In the opinion of the Prison Medical Officer she is a dement and certifiable. She was twice within the six months prior to her present conviction examined by a parish doctor with a view to certification, but refused a certificate. At the expiry of her sentence she was handed over to the parochial authorities to be dealt with as insane, but could not have been long detained, as she was back in prison before four months had elapsed.

*Case* 22.—Man, age 45. He is fairly well educated. He is a short, muscular man with a shifty, cunning expression. He is very loquacious, his remarks sometimes are shrewd, but often he talks absolute nonsense. He is very excitable, and when he begins to jabber there is no stopping him. His parents are dead. He is unmarried, when at liberty usually lives with a female friend or in a model lodging-house. His means of support are a legacy left by his mother and a little money made by dealing in sheepskins and fat, buying them from ships' cooks. He has during the last twenty months been nineteen times convicted for drunken offences, his sentences ranging from 3 to 30 days. There is no history of epilepsy. His weak-mindedness is probably congenital.

*Case of Malicious Mischief.*

*Case* 23. A lad, eighteen years old, of poor physique, and illiterate. His intellect is very feeble, he is very emotional; his countenance is never at rest. His only occupation has been selling newspapers. His father and mother are alive, he has three brothers and one sister. The whole family live in one room, the case sleeping on the floor. He has been poorly fed at home. His habitual home life is to get some breakfast, after which his mother flings him out and dares him to return before night." He is a known character in his native town and goes under the nickname of "Silly Willy." His criminal record shows that within a year he has been twice convicted of theft. His present conviction is for malicious mischief. A police official, writing of his present offence, says—"has a mania for going to wash-houses and boiling white and coloured clothes together. It was for an offence of this nature he was sent to prison." This case exemplifies the result of a combination of weak-mindedness with home neglect.

JAMES C. DUNLOP.

*March*, 1902.

(ENCLOSURE No. 3.)

*Insane prisoner to be handed over to Inspector of Poor on liberation.*

To the Inspector of Poor,

Parish.

SIR,—I beg to inform you that the prisoner, particulars of whose case are given below, is, in the opinion of the Medical officer of this prison, insane and requiring asylum treatment, and that he is due for liberation on———— I shall be glad if you will arrange for an officer to take charge of him on liberation, and to hear at what time you desire the discharged prisoner to be handed over to that officer.

I subjoin a report by the medical officer of this prison as to the mental state of the prisoner, and also a note of his previous history so far as it is known to me. Should you desire your parish medical officers to examine the prisoner before liberation, every facility will be given them to do so.

H. M. Prison, ————————————, Governor.
Date, ————————

Prisoner's name,————————————
Place of residence previous to conviction ————————
Date of conviction and court————————————
Offence————————————
Sentence ————————————
Name and place of abode of nearest known relative and degree of relationship————————————

NOTE.—It is desirable that the inspector of poor should have as long notice as possible. Copies of this letter shall be sent to the Prison Commissioners and the Secretary, General Board of Lunacy.

MEDICAL OFFICER'S REPORT.

Name ————————————Age————

Form of insanity————————————

Duration of insanity ————————————

Facts indicating that the person is insane————————

Medical officers' signature————————

Date————————

NOTES ON PREVIOUS HISTORY.

How often in prison————————————

Date of first conviction————————————

Nature of offence————————————

Occupation when not in prison————————————

Has he previously been in an asylum? If so, where and when? ————————————

Governor's signature————————

Date————————

24853. (*Mr. Byrne.*) You have a very considerable knowledge of the prison population of Scotland?—Yes.

24854. Do you consider that the existing law provides a satisfactory or an unsatisfactory method of dealing with that class of prisoners who are mentally defective?—There is one phase which I think could be remedied and that is in regard to prisoners removed to asylums. We find that many of them are discharged on the expiry of their sentence, and we think it is rather peculiar and interesting that in some cases their recovery synchronises with the expiration of the sentence when the burden of the expense begins to fall on the rates. Formerly the maintenance was paid by the Commissioners.

24855. The diagnosis would not be so rapid if the incidence of the expense were otherwise? Have you personal knowledge of cases of prisoners in whom you have seen evil effects resulting from this early discharge of recovered patients, people coming into prison almost

immediately again ?—There are repeated cases. I have mentioned several in my statement, and I could give you many more.

24856. There are many more ?—Yes.

24857. Would you please look at the Table in your statement, where you give the figures for 1903, 1904 and 1905 (*page* 253). In the fourth column of that under "Action taken by Parish Authority" there are so many not certified ?—Yes, 31 altogether.

24858. None of those will be boarded out as lunatics ?—No. These are cases where the governor and medical officer of the prison send a report (in the form printed above marked Enclosure No. 3) to the inspector of poor that these people require asylum treatment. They are handed over to the inspector of poor, and are examined by the medical officers of the parish. If they are not of the same opinion as the medical officer of the prison then these cases are discharged.

24859. I want an expression of your opinion as to whether that is satisfactory. Obviously from the fact that these people have been in your hands they must be of a disorderly tendency, and here you have this substantial number, even in defiance of you, left free ?—Yes, I think it unsatisfactory that such a state of things should be allowed to exist.

24860. Out of the twenty-one not certified in 1903 probably a number go back to you in 1904 ?—Yes, they do recur; some several times in the course of a year.

24861. Would you go so far as to recommend that there should be a formal inquiry as to what should be done with a criminal lunatic or a feeble-minded criminal when the sentence is about to expire ?—Yes, an inquiry of some sort.

24862. You think the circumstances call for that ?—Yes. We are quite satisfied when they are sent to the asylum because we think that is the proper place for them.

24863. Speaking departmentally, do you consider you ought to have a say in the matter when you have a man in prison and you find him to be a lunatic, and you send him to an asylum; and that such a man ought not to be let free without your department having something to say to it ?—Yes, because there is a great deal of unnecessary trouble through recommittal to prison. These men continually going in and out are a great source of trouble and expense.

24864. What practical conclusion do you draw as to dealing with these cases, supposing you were suggesting a change in the law ?—We say that if there were an institution established for these people then the Prison Commissioners would send them there. I should be inclined to recommend that they should be detained there for a period.

24865. Even for a period after the expiry of their sentences ?—Yes, until they had regained their will or inhibitory power.

24866. Do you agree with the judicial authorities when giving evidence that an indeterminate period of reformatory treatment is required for these persons ?—Yes, and I would almost fix a period, say three or five years, for some of these persons before letting them out.

24867. Leaving to you or to the authorities which manage the institution entire power to discharge either on licence or probation, or at all events as you saw fit ?—Yes.

24868. Or keep till the end of the period if you thought they were not fit ?—Yes.

24869. That is the opinion of your department in view of all these circumstances ?—Yes, generally.

24870. (*Mr. Dickinson.*) Did you have anything to do with this report of Dr. Dunlop's ?—I think we issued circulars and assisted him to a certain extent in getting these facts together.

24871. Are the eighty-five cases which are mentioned there all the cases in Scotland that have come under this category ?—No, but we have found that the numbers have been considerably reduced since action was taken on Dr. Dunlop's report. They have gone down from fifty-eight to twenty-one during the last three years. I am speaking of the weak-minded who have been reported to the inspector of poor as requiring treatment.

24872. Are those twenty-one people who have come under the cognisance of the Prison Commissioners in the course of the year ?—Yes, in the prisons.

24873. They are not necessarily all the persons who come under this category in Scotland at the present moment ?—No, only those who come to prison.

24874. But we are talking now of the people who come to prison for short terms by reason of their feeble-mindedness. I want to get a rough idea of what number there are in Scotland ?—The average total number of weak-minded that come to prison is ninety per annum.

24875. Where ?—In the whole of Scotland so far as the Scottish prisons are concerned.

24876. It is ninety ?—Yes.

24877. If there were an institution for this purpose and it were capable of holding ninety, then it would be quite sufficient for Scotland ?

24878. (*Dr. Dunlop.*) Perhaps I may be allowed to interpose. The witness refers to ninety ascertained in a year. The total population would be much more than ninety.

24879. (*Mr. Dickinson.*) Suppose we had an institution, a sort of penal colony, in which those persons could be detained, would you have had ninety coming last year ?—Yes, the annual average is 90.

24880. That would very largely exhaust the supply, because they are people who come backwards and forwards ?—Yes.

24881. Can you give any idea of what the place would require to hold ?—Not without going into actual figures. I could not give any definite idea.

24882. Can you not give a rough idea from your experience ?—No, a few of these men have been committed as often as three or four times a year. Perhaps about six of them may have been twice or four times in prison during a year.

24883. Most of that class will come once a year ?—Yes, most of them.

24884. Therefore, you would almost exhaust the supply if you put in a year's takings ?—I would not go so far as that, because these people are always cropping up. We have 13,000 new prisoners every year, and there are always some among that 13,000, so you would always have a few coming every year. If you took away the ninety the first year, then you would drain most of the source.

24885. So it would not be of much account ?—Perhaps not.

24886. You cannot give us any idea of the care and control exercised over these ninety, what it is costing the State ?—The average cost of an ordinary prisoner is £20 16s. 11d.; convicts cost £43 18s. per head; lunatics and inebriates at Perth who are classed together for the purpose of finance, cost £53 per head.

24887. That is the King's pleasure lunatic ?—Yes.

24888. Each of these classes would include some of those feeble-minded ?—Yes.

24889. I suppose they could be permanently detained at the cost of £20 which you have for the ordinary prisoners ?—The rate charged the Commissioners for maintenance of prisoners sent to asylums varies from £25 to £33 per annum; that is the cost of maintenance when we send them to asylums for detention until the expiration of their sentence.

24890. That does not include railway charges ?—No.

24891. It is for maintenance and salaries of officials ?—Yes.

24892. (*Dr. Dunlop.*) One point you mentioned was that the Prison Commissioners were in favour of a reformatory sentence for these mentally defective persons ?—Yes.

24893. That will not cure mental defect. Why make it a sentence at all ? It is only an order for detention ?—I have thought of that, but I understand that a good many mental defects are the result of inebriety, so far as the prisoner is concerned.

24894. If one is dealing with mental defect, which is a diseased condition of the brain, why use the term

**Questions 24895 to 24923.**



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"sentence" at all?—I was basing it on our experience so far as King's pleasure lunatics were concerned. I have known of dipsomaniacs after being five years or so at Perth doing well when licensed out under suitable guardianship, and therefore I would put a number of these men into an Institution for a period—say five years—and then let them out under guardianship, but always holding over them the intention to bring them back if they misbehaved.

24895. Your views would be more fully met by having them as King's pleasure lunatics, putting them under control for the rest of their lives, or something of that kind?—Yes, something of that nature.

24896. We have heard a great deal about Section 89; the witnesses have been fairly unanimous in approving of it. You can tell us its working from a practical point of view?—We have had only one case, a case in 1903 of a man who was a pest to society in a small burgh in the north. The parochial medical officer refused to certify him as insane on discharge from prison. The next time he was in the hands of the police the procurator fiscal reported to the sheriff that the parish medical officer declined to certify him, and the sheriff then, under Section 89, ordered an inquiry into the prisoner's mental condition. He was certified insane to the Secretary for Scotland and was ordered to be transferred to an asylum. After being detained there for two and a half years, he was reported to be sane. On the matter being referred to the Secretary for Scotland, he ordered the man's discharge.

24897. In that case the parish medical officer had refused several times to certify him, although he was known to have such attacks of acute mania as required two or three attendants for days on end?—Yes.

24898. Some power to deal with such cases would be a valuable thing?—Yes.

24899. The existence of a small number of convicts who are very distinctly weak-minded is known to the Commissioners?—Yes.

24900. And they have adopted the policy that, considering their small number, they can quite efficiently deal with them in the convict prison as they are just now, without making a new department for them?—Yes.

24901. But if there were a large State reformatory for taking these cases, would the convict cases be taken there?—At present I do not know that there is any inconvenience in the convict prison, because of the small number at Peterhead. Those who are certified insane are removed to Perth, but the other weak-minded convicts are studied and treated individually. The discipline in their cases is milder, and for breaches of discipline they are not dealt with so severely as the ordinary convict.

24902. The Prison Commissioners are not desirous of making any change in regard to their treatment?—The matter has been before them for a long time. The idea was that this Commission might do something, and therefore they were not in any great hurry to come to any definite decision in the matter.

24903. The question of what to do with these people at the end of their sentence is a consideration?—Certainly it is.

24904. (*Mr. Byrne.*) To clear up that point about the existing power to deal with prisoners who are found insane after sentence or while waiting trial; you say, "The Commissioners think that Section 89 of the 1857 Act should be put into regular use as better fitted to secure the proper care of cases from prison than Section 6, the certificate of which lapses at the end of the prisoner's sentence." If they have that why do not they use it?—It is a matter for the Crown Office authorities as regards prisoners waiting trial.

24905. Surely the Prison Commissioners and the Crown authorities are identical?—No. The Crown Office authorities have charge of the criminal prosecutions in Scotland, and they deal with all these matters without consulting the Prison Commissioners.

24906. You are referring to people who are found insane in prison?—Yes.

24907. While awaiting trial or after they are sentenced?—While awaiting trial.

24908. If you have a prisoner in your prison you can get him certified, but you have to call in the sheriff?—Yes, but we have always dealt with him under Section 6 of the 1871 Act.

24909. What we do not understand is this, what do you want this Commission to do? Why do you not yourselves carry out the object that you wish to-morrow?—I suppose it is really use and wont. Section 89 was not put into use until 1903.

24910. (*Dr. Dunlop.*) Section 89 was for a long time in disuse?—Yes.

24911. The idea being that it was repealed by the Act of 1871?—Yes, until this case came up in 1903.

24912. Is it not the case that Section 89 is imperfect at the present moment because it does not state who is to pay?—That is one of the reasons why it has not been acted on. There is a doubt as to who is liable for the payment of the maintenance of the insane prisoner.

24913. (*Mr. Byrne.*) So something like Section 89 should be re-enacted with the sheriff left out and provision made for payment?—Yes, liability should be made quite clear.

24914. Instead of bringing in the sheriff you would like to do it yourselves?—I do not know. Hitherto we have experienced no inconvenience in going to the sheriff for a warrant.

24915. But if you had statutory power, is that what you would like?—That would meet the case, but I am not sure that the local authorities would agree to our sending such persons to an asylum without someone else having a say in the matter. Probably the Lunacy Commissioners would be the better people to deal with them after their sentences had expired. They would then be out with the control of the Prison Commissioners.

24916. You would be satisfied if we recommended that a revision of the law should be made assimilating the condition with the English law, which is to the effect that without asking anyone else, the Prison Commissioners can certify any prisoner either awaiting trial or under sentence and send him to the county asylum where he would be paid for by the State and paid for by the locality as soon as he was discharged?—Yes.

24917. (*Dr. Dunlop.*) That does not secure detention after the expiry of the sentence at all. Mr. Byrne did not draw your attention to that difference?—The only difference I understand is that you still keep the provision in Scotland that the man must be certified sane and his discharge ordered by the Secretary for Scotland.

24918. The other clause is that the feeble-minded must be paid for out of local funds and not out of the State funds?—Yes.

24919. (*Mr. Byrne.*) Would it be possible to set down in a few lines what you wish?—Yes, I think so.*

24920. (*Chairman.*) Is there anything you would like to add?—No.

24921. (*Mr. Byrne.*) Do you use that power under Section 19 of 25 & 26 Vic., c. 54, where the Secretary for Scotland has power to keep a person in the lunatic department as long as he likes?—There is only one case that I know of; a man who was sentenced to 18 months' imprisonment, and was detained in the Criminal Lunatic department for 24 years.

24922. Are you going to use that in future?—We incline to the view that after the man's sentence has expired, his maintenance should not be a burden on the State. I do not see why we should relieve the local rates.

24923. So that the locality must either pay for him or have the pleasure of his company at home if they do not pay for him at an institution?—Yes.

[*The witness was subsequently written to, but did not desire to make any statement.]

Miss LILY MONTEAGLE, called; and Examined.

24924. (*Chairman.*) You have been so kind as to give us a statement of your evidence; may we put it on the notes?—Yes.

STATEMENT OF THE EVIDENCE PROPOSED TO BE GIVEN BY MISS LILY MONTEAGLE, HEAD TEACHER OF BRIDGETON SPECIAL SCHOOL, GLASGOW, FOR PHYSICALLY AND MENTALLY DEFECTIVE CHILDREN.

In my statement, I beg to put forward my experience of the educational work which is being done amongst the mentally defective children in Glasgow. My experience in this work dates from January, 1901, when I was sent to London, by the Glasgow School Board, along with another teacher, to study, under Mrs. Burgwin, Superintendent of Special Schools, under the London County Council, the methods employed there in dealing with mentally defective children.

On our return to Glasgow, at the end of April, 1901, two new classes for feeble-minded children were opened under our supervision. Previous to this, a class had been in operation for four years.

*The Special Classes.*—There are now six schools where mentally defective children are taught under the Glasgow School Board. In all of these schools, with the exception of the Bridgeton Centre, the special classes are taught in class-rooms belonging to ordinary day-schools, and the defective children, although their hours are different, necessarily occasionally come in contact with the normal children. The Bridgeton Special School is set apart for mentally and physically defective children only. There are about 240 mentally defective children on the united rolls of these classes.

*Kinds of Children Dealt with in the Special Classes.*—Children are admitted to these classes direct from the ordinary schools, on the recommendation of ordinary class teachers. These children are then medically examined and classified by the doctor as, Class I.—hopeful; Class II.—less hopeful; or Class III.—not hopeful. Those in Class I. seem to me to make great progress in the special classes, and are often able, after one or two years' training, to rejoin an ordinary class. Those in Class II. also make marked progress, but will most likely require to remain all their school lives in a special class. Those in Class III. make little or no progress in ordinary school work, but benefit largely by the school discipline, teacher's influence, and in the centres where dinners are provided, by the wholesome food which they receive. They become more like rational beings, and more fit to associate with society in general.

Occasionally children who have never been to school are brought to the special classes by their parents. These children may have been discovered by the attendance officer of the district, and sent up by him. They are admitted, medically examined, and classified Class I., II., or III. as the case may be. In the case of a child being certified imbecile, he is returned to his home, and the parents are advised to send him to an institution for imbecile children, such as Larbert.

There must still be many mentally defective children in our Glasgow schools who would benefit largely by attending the special classes. Probably the medical examination which is now in progress may help in bringing those children forward. I should say that at the very smallest estimate, accommodation should be provided for 500 mentally defective children under the Glasgow School Board. This is calculating that only ·5 per cent. of the children of school age in Glasgow are mentally defective.

Many parents do not like the idea of their children attending the special classes at first, but they soon become reconciled to this when they see the progress made. I am of opinion that, for the good of the children, it should be made compulsory to send all children, certified to be mentally defective, to special classes.

*Age.*—In doubtful cases the children might attend ordinary infants' departments until they reach the age of seven years, but if the cases are plainly mentally defective, then the sooner they are sent to the special classes, after attaining the age of five years, the better it will be for the children. I believe that most of those children require longer at school than normal children. In the majority of cases, the children are removed from school by their parents, immediately on reaching the age of fourteen years. Instead of this, I think that if the children could have other two years' training in an industrial school or colony, many of them could make their own way in the world. Those who would never be able to do so, and whose parents could not be trusted to look after them properly, would be better detained there for life. They might there become partially self-supporting, and it would help to keep down the numbers in our prisons and workhouses. Those who could be trusted to leave the school or colony after the age of sixteen or eighteen years might do so, and I believe, with proper training, many might so be trusted.

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*Hours and Curriculum in Special Classes.*—The school hours are necessarily short. These children are easily fatigued, and the strain on the teacher is also great. The work begins at 9.15 a.m., dinner and recreation from 11.45 to 1.15. The afternoon hours are from 1.15 to 3. The forenoon is spent in teaching the three Rs., with singing as a relaxation; the afternoon in teaching manual occupations, with drill as a relaxation. Speaking for my own school, in teaching reading, we adopt the Phonic method, because I find it of great use in correcting speech defects, which are numerous; and in some cases, in teaching the children to speak. Slovenly, indistinct, and slurring speech often occurs, and stammering is common. Notes are taken of children's articulation errors, and systematic efforts are made to correct these by making the children copy the movements of the teacher's lips, tongue, etc. I have occasionally come across children who could not speak at all on being admitted, and after some months' training they could make all the consonant and vowel sounds, and could name many things correctly. In connection with speech-training, much attention is also given to the teaching of recitation, or for the most backward, the repetition of nursery rhymes. Fairy tales are also told by the teacher, and the children are encouraged to retell them in their own words. This is a good exercise in the teaching of English, and the training of the intelligence and imagination, and it is one which is much enjoyed by the children.

In our special schools, cleanliness, personal neatness, and obedience are also taught, together with character training in general. These attributes are often sadly lacking, but tend, on being awakened and brought out, to self-respect, self-reliance, and self-control, which are most valuable properties to our mentally defective children. Manual occupations also receive special attention. The children are taught these occupations with various ends in view, of which the most important is so to train the hand, eye, and brain as to lead them to intelligent observation. From five to six hours weekly are devoted to the teaching of manual occupations.

The teaching of drill and games is also very important in the training of mentally defective children. For drill, I find that, in addition to plenty of breathing exercises, marching, running, skipping, and dancing should be largely taught, as they lead most rapidly to improvement in gait and carriage, which are generally, if not always, awkward in mentally defective persons. (I heard a doctor say not long ago, and was much struck by the remark, that any person who had had experience in dealing with the feeble-minded, could always tell one of these persons by his walk alone.) These exercises also promote rapidity of circulation, which is bound to have a good effect, and which is often sluggish in mentally defective children.

In my own school, separate records are kept by the teachers, which give an account of the school attainments, manual dexterity, health, and character of each child, every six months.

I find that rewards are of great service in dealing with mentally defective children. They need not be costly—a medal for the most tidy, a seat in front of the class for the most diligent, or good conduct marks appeal to them in all cases. Absence of bodily or mental vigour is often marked by extreme timidity. These children can, therefore, in most cases, be easily governed by gentle but firm treatment.

*Difficulties of Classification.*—One of the many difficulties in teaching mentally defective children is classification. Individual teaching is the ideal method in dealing with them, but the numbers must be provided for in some way. At present, one teacher is allowed for every twenty

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children. These we sub-divide into smaller groups of three, nine, or even one as the cases demand. For certain lessons, such as singing, drill, oral composition, object lessons, etc., the twenty may be taken together. In the case of the most backward children, I am of opinion that a teacher should not have more than from twelve to fifteen under her charge.

*Special Teachers.*—The teachers of mentally defective classes in Glasgow are all certificated, and experienced in ordinary class-teaching. Each new teacher for the work must teach at least three months in a centre where there is already an experienced teacher. The new teacher is then considered fit to take charge of a class by herself. Teachers of mentally defective classes have their salaries raised by £10, after the preliminary three months' training. Teachers of special classes should be bright, sympathetic, patient, and fond of children. They should also be able to play the piano and sing.

*Feeding.*—In two of our Glasgow centres, for mentally defective children, a good dinner is supplied at a cost of 1½d. per day for each child. (Speaking for my own centre this charge has been found sufficient to cover the cost of the food provided.) Most of the children attending these centres take advantage of this, which I think is a most important factor in the improvement of the children, both physically and mentally. Many of the children do not get sufficient food at home, and many others are improperly fed, which is almost as bad. I have taught in centres where no dinner was supplied, and I now teach in one where it *is* supplied, and I have been much struck by the great difference it seems to make in the children. Apart from the great improvement in their physical appearance, the improvement in their table manners is very marked. They also acquire a taste for wholesome and proper food. The majority of the children in Bridgeton special school simply refused to take all manner of milk-puddings at first. On questioning them, as to their likes and dislikes, I gathered that their favourite dishes were sausages, ham, kippers, and tinned salmon. After much persuasion, and not a little gentle but firm pressure, all the children now take the milk foods with relish, and some have three helpings each day. Some of them had never seen rice, and one girl informed me one day, while I was trying to persuade her to swallow rice pudding, that she did not like "breed" (bread) in her milk. One or two cases of mentally defective children suffering from rickets have improved much in their walking since the dinners were started, and one very bad case has discarded his crutches altogether. I see a distinct improvement in the health of each child, and it seems to me that if *one* good meal a day can do so much, then *three* good meals a day for all *physically* defective children might cure in a year or two all defects, such as rickets, general debility, anæmia, etc. I am of opinion that all the mentally defective centres should be provided with facilities for cooking a mid-day meal.

*Baths.*—Cleanliness should be another important item in the education of mentally defective children. All special schools should be provided with a bath, and a woman should be employed to bath the little one once a week. Very few of the children in our East-end schools have facilities at home for bathing, and in single-apartment houses it is not to be wondered at that the children and parents never have baths. I think that in all our large cities free baths should be opened for the very poor. They might be of more benefit to them than free libraries, which, of course, are not to be despised; but "Cleanliness is next to Godliness," and I should say, educate the children to appreciate it, and they will not afterwards be able to do without it.

*Cost of Work.*—The cost of teaching mentally defective children is great. Besides the small classes and extra accommodation required, a very great deal of material is used in teaching manual occupations, and though the finished work is sometimes sold, the cost is always greater than the profit. A large grant should, therefore, be given by Government for these children, and this might also help to defray expenses which might be incurred in bringing the children long distances to a special class. Many defective children in Glasgow, at the present time cannot attend a special class because they live too far away. This may be partly remedied by and bye, when more centres are opened, but there will always be some children who will require either guidance or conveyance to and from their homes.

*Boarding Schools.*—I believe, if thorough success is to attend this work, it will be found necessary to have boarding schools near some of our large cities, where children from rural districts might be sent, and where some of the city children, who have exceptionally bad homes, might also be boarded. Epileptics might also be educated here. I have, at present, in Bridgeton School, a few cases who would be better in a boarding school. One case is that of a girl (an epileptic) who is so bad-tempered as to be almost dangerous. Her mental powers are very weak and her speech is very bad. She has learned, however, to sew beautifully, and she is very fond of this useful occupation, and will work at it for an hour at a time without raising her eyes. She is only seven years of age, so she may yet do wonders with her hands.

Another case which would be much better in a boarding school is that of a girl of thirteen. Her mother is dead, and her father is very intemperate. She is neglected at home in every way, and has no proper chance in life in her present home surroundings.

Education is as much a right of the educable feeble-minded as it is of the normal child., and if the normal child benefits thereby, in some measure also does the feeble-minded. It is in school that the mentally defective child's interest is first aroused. The normal child by his desire and originality learns as much out of school as in school; not so the mentally defective. When he comes to school his will power is weak, he has little or no self-control, self-reliance, or originality. Although fond of games, he cannot even play of his own accord, hence it will be seen how utterly helpless and dependent these children are, and how much they require that an effort be made in their behalf.

24925. (*Mrs. Pinsent.*) I see you divide the kind of children that you deal with into three classes, roughly?—Yes.

24926. Class I. are hopeful. Have you made any estimate as to how many of the children in that hopeful class are able to earn part of their living afterwards?—No. I do not think we have been started long enough to know that yet, but a great many in Class I. can be transferred into an ordinary school, which shows that they would be able to pretty well earn their own living.

24927. May some of the others go out and earn small wages?—Yes.

24928. Those who are not transferred?—Yes, I think they might earn a small wage and be partially self-supporting.

24929. Can you tell the proportion of children in Class I.?—We generally have about forty mentally defective children and I do not think that so many as one-half would be in Class I. About one-third or even less than that would be in Class I. I think it depends on the district.

24930. Class I. receives material benefit from the instruction?—Yes.

24931. And also Class II.?—I think they all benefit, but Class I. most educationally.

24932. I see you dwell on the fact that although you are not able to teach Class III. very much you still improve their condition very substantially?—Yes.

24933. What will be the fate of those that leave the special class unable to earn their own living?—They must always be looked after afterwards if they are to do any good at all. Perhaps with care they might be able to learn a little if there were people to take an interest in them.

24934. Suppose some of them were placed in a residential colony or Home, would they be able to do anything?—I think they might be able to do a little work with supervision.

24935. In that case the training you give to Class III. even would be a great benefit to the institution that received them?—I do not think Class III. would be able for much work, but still they are able to mix more with their fellow beings.

24936. The mere fact that you have taught them cleanliness and to obey orders is a great benefit to the institution that has to take care of them afterwards?—Yes.

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24937. And therefore you consider the work of the special classes to be of a satisfactory nature ?—Yes.

24938. When you get an extreme case you recommend the parents to apply to Larbert ?—Yes.

24939. Is that done ?—Sometimes they are unwilling to part with the children. Very often if they have good homes they are unwilling to part with them, but then they are all right if they have good homes. When the parents die then the child is better to be sent away simply because no one will look after it like its parents.

24940. When application is made to Larbert is it often refused on account of "no vacancy" ?—I do not think it is often refused.

24941. (*Mr. Dickinson.*) I see you suggest that for the complete system there ought to be boarding schools ?—Yes.

24942. Have you any idea what amount of boarding school accommodation would be required for a place like Glasgow ?—No.

24943. You cannot give even a rough idea of what you would like to have yourself ?—I think only the very worst cases should be sent there.

24944. Quite so. Can you give us no idea whether it would be 20, or 50, or 100 ?—I do not think it would be less than 100 for a city of the size of Glasgow.

24945. A boarding school for defective children sufficient to hold 100 would meet the needs of Glasgow ?—Yes, then there are the districts round about.

24946. What is the school population of Glasgow ?—100,000.

24947. (*Mr. Byrne.*) You say that at present the parents take away their children at the age of fourteen ?—Yes.

24948. That is because you cannot prevent them ?—Yes.

24949. Presently you will be able to stop that if you get the Act passed ?—Yes.

24950. You suggest that a great improvement would be made in the last two years if the children could have other two years' training in an industrial school or colony. Do you think that for the custodial cases the training should be more of an industrial character ?—Yes, and less of an educational character.

24951. Would it be an advantage that for those two years or perhaps for a longer time they should be removed from the schools and put into more working places ?—Yes, perhaps an industrial school.

24952. When you mention industrial schools you mean what is technically an industrial school ?—Yes.

24953. Something run on that system ?—Yes.

24954. A place for manual training ?—Yes, where they would work.

24955. Would it be practicable in Scotland from what you know to utilise either a new specially established industrial school or to have the children sent to industrial schools ? Would it be practicable to carry that out ?—Yes, they could be sent to industrial classes.

24956. In such schools ?—Yes, but of course they would be better by themselves.

24957. It would be better to have a special industrial school for the purpose ?—Yes.

24958. What do you think would have to be the Government grant for them ? A new industrial school would only get 4s. 6d., and that would not be enough ?—No, because they would need more teachers.

24959. Even for the industrial training ?—Yes.

24960. It would have to be more like 8s. or 9s. ?—Yes.

24961. (*Chairman.*) Is there anything you would like to add to your evidence ?—No, I do not think so.

JOHN MCNAUGHTAN, Esq., M.D., called; and Examined.

*J. McNaughtan, Esq., M.D.*

13 June 1906.

24962. (*Chairman.*) Will you tell us how long you have been medical superintendent of the Criminal Lunatic Asylum at Perth ?—Twenty-five years.

24963. You have been so kind as to give us a statement of your evidence ; may we put it on our notes ?—Certainly.

STATEMENT OF THE EVIDENCE PROPOSED TO BE GIVEN BY JOHN MCNAUGHTAN, ESQ., M.D., MEDICAL SUPERINTENDENT, CRIMINAL LUNATIC ASYLUM, SUPERINTENDENT STATE INEBRIATE REFORMATORY, AND MEDICAL OFFICER, H.M. PRISON, PERTH.

Irrespective of the inmates of the criminal lunatic department, the feeble-minded prisoners whom I meet with in Perth prison may, according to the present procedure as to the certification of the insane, be divided for practical purposes into two classes, viz :—

(*a*) The certifiable,
and (*b*) The uncertifiable.

With the first class there is no difficulty, They are, as a rule, either untried prisoners committed as dangerous lunatics, or prisoners under sentence, becoming insane. They are certified insane, and if untried, are removed to their parish asylum. If under sentence they are transferred to the criminal lunatic department, where they remain until their sentences expire, and are then handed over to the parochial authorities.

During the past three years the numbers dealt with in this manner are as follows :—

Certified insane, and removed to parish asylums.

| 1903. | | 1904. | | 1905. | |
|---|---|---|---|---|---|
| M. | F. | M. | F. | M. | F. |
| 1 | 1 | 3 | 4 | 8 | 1 |

Certified insane, and transferred to lunatic department.

| 1903. | | 1904. | | 1905. | |
|---|---|---|---|---|---|
| M. | F. | M. | F. | M. | F. |
| 1 | - | 4 | - | — | |

I regret to state that some of those cases re-appear in prison again after comparatively short intervals.

The second class, or as I call them the uncertifiables, is a comparatively large class. It contains, almost without exception, all the habitual offenders, the prison ins-and-outs. The individual who has thirty or forty previous convictions may, and very possibly does, get into trouble through drink, but in almost every case, if carefully investigated, the mental condition is found to be at fault. During the past three years there have been under observation, for mental reasons, in all fifty-nine prisoners, namely, fifty-one males, and eight females, 4 per cent. of the daily average number of prisoners.

The class of uncertifiables may be conveniently subdivided into—

(*a*) The congenital imbecile and mild dement.
and (*b*) the moral lunatic.

The cases coming under sub-division A are well known in prison and easily recognised. They are weak, facile individuals, generally apathetic and stupid, who wander aimlessly about the country, drink when they have the opportunity, and seem quite incapable of applying themselves to steady employment. They do fairly well in prison, give no trouble except by their untidiness and stupidity, but when the discipline of the prison is withdrawn, they are quite unable to guide themselves, to resist temptation, or to earn an honest livelihood.

The second sub-division, or moral lunatics, I would define as individuals, apparently intellectually sane, but whose moral sense is weakened, or, in some instances, apparently entirely absent.

They are as a rule, fairly intelligent, shrewd, self-assertive, and endowed with an amount of low cunning. They are quite capable of sustaining an intelligent conversation, hold no mental delusions, and exhibit none of the orthodox symptoms of insanity. Viciousness, lying, and dishonesty are all attributes of this class, and the emotional element is strongly marked. They are well described as "explosives," lacking in self-control and liable to uncontrollable outbursts of causeless rage. Many are capable workers, but they cannot apply themselves to steady employment. They become weary of

**Questions 24963 to 24973.**



*J. McNaughtan, Esq., M.D.*

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doing well and soon break away. The habitually trouble-some prisoner, the man who is always under report, and many of the so-called inebriates are of this class.

Reformation of this class is almost impossible. They have no self-control, they fly to drink at the first opportunity, and their want of moral sense leads them, one might say naturally, into criminal courses. To illustrate this point I beg to submit statistics of the inebriate reformatory, which show the difficulty in dealing with individuals, who are morally, if not also intellectually insane. Admitted since opening of reformatory.

| | Sane. | | Feeble-minded | | Total. | |
|---|---|---|---|---|---|---|
| | M. | F. | M. | F. | M. | F. |
| Admissions - - - - | 3 | 25 | 6 | 19 | 9 | 44 |
| Of these— | | | | | | |
| Sentences expired - - | – | 10 | 3 | 11 | 3 | 21 |
| Removed to asylum - - | – | – | – | 1 | – | 1 |
| Liberated by S. for S. - - | – | 1 | – | – | – | 1 |
| Died - - - - - - | 1 | – | 1 | – | 2 | – |
| On licence - - - - - | – | 2 | – | – | – | 2 |
| Remaining in reformatory - | 2 | 12 | 2 | 7 | 4 | 19 |

Of those whose sentences have expired two of the sane members have done well for at least two years after discharge, and others are promising well, but, I regret to say that all the feeble-minded had returned to a criminal career within a very short time after liberation. The length of time in confinement seemed to have no effect upon ultimate results. They relapsed as quickly after a three years' sentence as after six months.

I might here give one or two illustrative cases.

P. B.—A pedlar or fisher from one of the islands, thirty-five years of age on admission, three years sentence, fifty-eight previous convictions. Passionate and perverse to a degree. Unable to apply himself to steady employment. Probably congenitally of weak mind. Drank since he was eighteen. Very shortly after liberation began drinking, got into the hands of the police, and was as bad, if not worse, than before.

F. S. A.—A traveller, one year's imprisonment and two years in S. I. R. for indecent assault on his children. Thirty-six years on admission. His maternal grandfather alcoholic, and father and brother both died insane. Has been himself three times under treatment in asylums. Weak, facile, and emotional, subject to "brooding fits." Behaved well in reformatory, and when under licence for nearly a year; but whenever the special supervision was withdrawn, he began drinking, and soon got into the hands of the police.

E. M'L.—A general servant, eighteen months for contravention Section 24. Thirty-three years on admission. Ninety previous convictions. A violent "explosive." Fairly intelligent, but lacking in self-control Improved in reformatory. Was able to restrain her passionate nature, and worked well, but as soon as the care and treatment of the reformatory were withdrawn she lapsed into her old courses.

RECOMMENDATIONS.

It is universally acknowledged that the present treatment of habitual offenders is ineffective and, I believe the main cause of failure is that, as a class, their criminal proclivities are mainly dependent on a weak mental conformation.

They drift between the prison, the poorhouse, and sometimes the asylum, and are the pests of the streets and police court. In my opinion the only way to mitigate the evil is to segregate the worst cases in a special establishment set apart for the purpose. I would recommend that the case of every prisoner showing distinct mental peculiarities, even although his conduct in prison may cause no trouble nor anxiety, but who, judging from his previous history and his present mental capacity, appears to be unfitted to guide himself when at large, or to apply himself to useful labour, in every such case, a special physical and psychological examination should be made shortly before the expiry of sentence, and, if judged right, a certificate be granted to the effect that he is a person of unsound mind requiring care and treatment. The sheriff should on this certificate grant warrant for his detention in a place of safe custody, which place might properly be called a State asylum or reformatory. Facts on which this certificate is founded could be given without much difficulty in the cases of prisoners where there has been ample opportunity for observation. In my experience close and prolonged day by day observation never fails to disclose the mental weakness should such exist, so that, with prison cases, I do not anticipate any difficulty in certifying, provided a suitable institution be established for their reception. At present it would be useless to send many of our moral lunatics to ordinary asylums, as, owing to want of accommodation and other causes, they would not be detained. I might now take the liberty of offering a few suggestions as to the construction and administration of this proposed State asylum. In the first place there must be ample provision for classification.

The quiet and industrious inmate must be rigidly separated from the disorderly and rebellious. The ordinary discipline of an asylum would not, at first at least, be sufficient for the type of moral lunatic met with in prison. They are not sufficiently insane to prevent combination, and, unless firmly dealt with, would be sure to give trouble. Probably a modified form of penal discipline might be required for such cases, although, it is possible, the power of secluding the noisy and turbulent would be sufficient for all practical disciplinary purposes. There should, however, be at least two dietary scales, for workers and for non-workers, and also a mark system granting certain indulgences to the well behaved and industrious. Field and garden work must be provided, with workshops and sheds for employment during inclement weather.

I would propose that at least every three years all the cases be specially examined and reported upon, by the Lunacy Commissioners. Cases showing improvement in their mental condition, and powers of self-control, might be conditionally liberated under guardians in the same way as "King's pleasure" lunatics are dealt with at present.

With the foregoing provisions, modified to suit the circumstances of each individual case, I do not anticipate there would be much difficulty in administering such an establishment as a State asylum for the feeble-minded.

JOHN MCNAUGHTAN.

His Majesty's Prison,
Perth, *May 29th*, 1906.

24964. (*Dr. Dunlop.*) You divide your subject into certifiable and uncertifiable?—Yes, but I would like to modify the section term and to say "not certified" instead of "uncertifiable."

24965. You would alter both, the one into certified and the other into uncertified?—Yes.

24966. It is a more or less essential alteration, is it not? The second class are not distinctly uncertifiable, but they are not certified at present?—That is what I mean. I meant that they were not certified by the people called upon to certify them.

24967. It is because they will not certify rather than because they cannot certify?—Quite so.

24968. The two classes are not sharply marked off the one from the other. Some of the weak-minded prisoners are to all intents and purposes insane persons?—Yes.

24969. And there is nothing that prevents their certification?—I think not.

24970. Have you ever had a lunacy certificate questioned or returned in Scotland?—Never.

24971. Is it a thing that is practically unknown?—Yes, so far as I am concerned.

24972. We have had a considerable amount of evidence and almost a universal opinion on the part of Scotch witnesses as to the requirement of a large State asylum or working colony where these weak-minded prisoners could be detained indefinitely or until they could be cured. Are you in favour of that?—Most certainly.

24973. Should that be run by the State or by the local authorities?—I think it ought to be run by the State.

24974. Will you kindly give us your reasons for that?—I think we are more likely to get the proper people into it if run by the State; there would be no question of the local authorities failing to send the people.

24975. It would probably net more desirable cases?—Yes, I think so.

24976. If it were run by the State might there not be abuse on the part of local authorities neglecting their duties and letting the people go to the prison and thus come on the State?—I think that might be prevented by causing local authorities to pay for their own members.

24977. Managed by the Central Board and paid for by the local rates?—Yes.

24978. The same rates as would pay for the persons had they been cared for in the first instance and not neglected in the first instance?—Yes.

24979. Are the criminal lunatics in the lunatic department paid for by the State?—Yes.

24980. Is that not open to a little abuse?—I have thought so.

24981. I think you can tell us of some cases of what one might call ordinary lunatics being discharged from asylums and sent to the State asylum?—Yes, but I could only suspect the motive.

24982. Never mind the motive. Was there not a case of petty theft?—Yes, we have got cases of petty theft sent on King's pleasure, cases quite unsuited for such a sentence.

24983. And tried for petty theft very shortly after having been discharged from an ordinary asylum?—Yes, I remember more than one such case.

24984. Another bit of evidence where your opinion would be valuable is as to the application of Section 89 of the 1857 Act to all prison cases. You are aware that that section has fallen into disuse? Have you any opinions to offer about the provisions contained in that section?—I think the provision is a very valuable one.

24985. Are you aware that the difficulty at the present moment is the uncertainty about payment in such cases?—I was not aware of that.

24986. You have had no such cases through your hands?—No.

24987. But you think that such a power would be extremely valuable?—Yes.

24988. Any power which would secure the proper care and treatment of those unfortunates would be very valuable?—Yes.

22989. It is more or less erroneous to mention that the majority of these cases are what one might call very thin cases; most of them are perfectly evident and there is very little difficulty in collecting facts sufficient to warrant their detention?—I would have no difficulty at all.

24990. We are not dealing with very fine cases, making hair-splitting differences between sanity and insanity?—No.

24991. They are gross cases?—Yes. I have one at the present moment.

24992. You might tell us about it?—D.K., aged thirty-six. Mild dementia with persecution delusions. Under treatment in Lunacy Department from April to October, 1903. Recovered so far as not to be certifiable by parochial medical officers, *i.e.*, delusions disappeared and he was discharged in ordinary course. Arrested shortly after discharge, and sentenced to six months. Old persecution delusions returned and he was again certified and removed to Lunacy Department, 30th April, 1904. On expiry of sentence was removed to asylum. Six months ago he again appeared in prison still insane. He works quietly and well in the penal department. Will be again handed over to parochial authorities on expiry of sentence.

24993. He has an insane delusion extending over a number of years?—Yes, very many years.

24994. He has been spending most of his existence in prison?—Yes. We have had him once or twice in the lunatic department, and we sent him to asylums and he got discharged and he has got into trouble again.

24995. You have a case where a man has served fourteen years out of seventeen for stealing horsehair?—Yes. *J. McNaughtan, Esq., M.D.* 13 June 1906.

24996. That man acting the whole time under an insane delusion?—Yes.

24997. These are typical of a class?—Yes.

24998. (*Mr. Byrne.*) I notice that in your statement where you make an interesting and important recommendation about prisoners with mental defects, you say: "In every such case, a special physical and psychological examination should be made shortly before the expiry of sentence, and, if judged right, a certificate should be granted to the effect that he is a person of unsound mind requiring care and treatment. The sheriff should on this certificate grant warrant for his detention in a place of safe custody, which place might properly be called a State asylum or reformatory." Why do you suggest that the sheriff should come in? Why not the Central Government, the Secretary for Scotland, or the Prison Commissioners? What was your object in that?—To put it in line with the ordinary certificate for lunatics.

24999. For the purpose of making it more satisfactory to the public?—No, to bring it into line with the ordinary certificate at the present moment.

25000. May we take it that your recommendation in this paragraph, which is similar to recommendations that we have had from others, is the opinion not only of yourself personally, but it is your official opinion?—Yes, I think so. Is that with regard to the sheriff?

25001. No, with regard to the holding of an examination into a man who is in and out, and getting a certificate that he is a person of unsound mind requiring care and treatment, although not certifiable in the ordinary sense. Generally the effect is to enable people to be detained who are not detained at the present time?—Yes.

25002. And who are not in the ordinary sense certifiable?—Yes.

25003. That recommendation is one which is so important to my mind that I ask you whether that is merely a personal opinion of your own, or is it an official opinion of all the departments concerned?—I could not speak for other departments. I can only speak of my own personal opinion, and that is my own distinct and decided opinion gained from my official experience.

25004. Would you recommend that the same system should be extended to persons of unsound mind, not usually called certifiable and not prisoners, by the superintendent of a district asylum—say a man who had been in and out of his asylum and in prison at other times, and who was brought in on certificate—would you like this same method to be applied to that man, that before discharging him the superintendent should have power to call in the sheriff and get him certified?—In any asylum?

25005. Yes, would you approve of that?—Would that be necessary? Could the superintendent not simply detain him?

25006. We have been told so much about the impossibility of superintendents detaining people who were so rational and free from delusions that they were bound by law to discharge them. How can we relieve superintendents from that responsibility? Would this procedure do?—Yes, I think so.

25007. (*Mr. Dickinson.*) I notice that in your statement you are dealing with the feeble-minded prisoners whom you have met with in Perth prison?—Yes.

25008. And you divide them into two classes, and you say that that the uncertifiables are a comparatively large class, compared with what? What is the meaning of the word "comparatively" there?—Compared with the other class.

25009. That is to say, it is very much larger than the certifiable class?—Yes.

25010. You go on to say that it contains almost without exception all the habitual offenders, the prison ins-and-outs?—Yes.

25011. That is your experience?—Yes.

25012. All the habitual offenders?—I mean all those who are thirty or forty times in prison. If you search for weak-mindedness you will be almost sure to find it in these cases.

*J. McNaughton, Esq., M.D.*

13 June 1906.

25013. How many years' experience have you had?—Thirty years.

25014. And that experience leads you to that conclusion?—Yes.

25015. I suppose from what you say that you would propose that whatever institutions were established for this class of person there should be institutions in which they might be permanently detained?—Yes.

25016. Really for life?—Yes, if necessary.

25017. In many cases they would be detained for life?—A great proportion would be, the proportion to which I refer here, because they are incurable.

25018. Have you formed any idea about the amount of accommodation necessary for Scotland if it were decided to provide places for this class of person?—I think an asylum containing 500 or so ought to be ample.

25019. To contain them all?—Yes.

25020. The last witness would not put it so high?—I think you would require that at all events.

25021. (*Mr. Byrne.*) Do you think that to deal with this class of people of whom you are speaking it would be any advantage to have power to order their detention in the poorhouses? Supposing these people, when they get into a poorhouse were kept there, would that meet the difficulty to any large extent?—It would relieve the central institution and prevent it being overcrowded.

25022. You would recommend that power should be given to detain feeble-minded paupers in the poorhouses?—Yes, it would relieve the central institution.

25023. It would be better to keep them there than to send them to a prison colony?—Yes.

25024. What proportion of the cases could be dealt with in that way do you think?—I think I might roughly say one-third.

25025. If so it would be a substantial supplementary means of meeting your wishes?—Yes.

25026. (*Dr. Dunlop.*) There are two further points on which you might advise us; the one is regarding the mental condition of the inebriates sent to the State reformatory. What is your general impression as to that?—Over 50 per cent. are feeble-minded.

25027. They are distinctly feeble-minded?—Yes.

25028. And quite unfit for freedom?—Yes.

25029. They are persons of unsound mind requiring care and treatment?—Yes, more than 50 per cent.

25030. The other point that cropped up was this: a previous witness told us that there were 2,500 mentally defective offenders in Scotland. Do you think that is a fair estimate, or an over-estimate?—It is distinctly an over-estimate.

25031. Suppose there were a central asylum in Scotland to take in all those cases from the prisons, large enough to meet the wants of the country, roughly what size of institution would be required?—I have just said large enough to hold 500, with the power to remove the minor cases to the poorhouse.

25032. You mean to certified wards in poorhouses?—Yes.

25033. You would not shut up the insane along with the ordinary paupers?—No.

25034. You think that an institution to hold 500 would meet all Scottish wants?—Yes.

25035. (*Chairman.*) Is there anything you would like to add to your evidence?—I do not think so.

ROBERT S. ALLAN, Esq., called; and Examined.

*R. S. Allan, Esq.*

13 June 1906.

25036. (*Chairman.*) You have been so kind as to give us a statement of your evidence; may we put it on our notes?—Certainly.

STATEMENT OF THE EVIDENCE PROPOSED TO BE GIVEN BY ROBERT S. ALLAN, ESQ., CHAIRMAN OF THE SCHOOL BOARD OF GLASGOW.

Chairman of the School Board of Glasgow since 1903. Member of the School Board since 1894. Member of the Glasgow Juvenile Delinquency Board. Director of the Glasgow Society for the Prevention of Cruelty to Children. Member of the Executive Committee of the Glasgow Association for the After Care of Defective and Feeble-minded Children.

The attention of the School Board of Glasgow was first called to the question of feeble-minded children at the beginning of 1896. At that time they invited a return from their headmasters as to children who might be regarded as physically or mentally defective. The definition quoted for the guidance of headmasters was the following:—

"The expression 'defective' means a child who, after a trial in an ordinary public elementary school, has been found, owing to mental or physical disability, to be capable of receiving instruction in only a proportion of elementary education."

In response to their inquiry, the Board were informed of 184 cases, of whom thirty-seven were stated to be physically defective. The medical officer visited all the cases, as well as a number of cases of imbeciles known to the attendance officers. As a result, forty-seven children were recommended as suitable for such an institution as Larbert, and the various parish councils were furnished with lists of imbecile children of poor parents residing within their areas—these numbering sixty-seven in all. Steps were taken to have as many of these children as possible admitted to suitable institutions, where the parents would consent to part with the children. The parish councils took up the matter and rendered valuable assistance. In reference to the children attending the ordinary schools, the medical officer reported seventy-nine as mentally defective, forty-one as both mentally and physically defective, and forty as simply physically defective. The Board issued an instruction to headmasters asking them as far as possible to place children "who were either mentally dull or in a slight degree physically or mentally defective in classes and under teachers who would be in sympathy with their deficiencies." They also asked headmasters to intimate to the Board any cases of defective scholars of mature years who had had a fair trial at school and whom, through becoming a hindrance or an offence to other scholars, it might be desirable to remove from school. In 1898 the Board took a step further by appointing a teacher who had come to them from London, where she had some experience with mentally defective children, to the school which seemed to have the most of these children, and asking the headmaster to put them under her charge. The class was simply tentative and was carried on by the Board without any extra grant. The next step was taken at the beginning of 1901, when the Board sent two specially selected teachers to London to spend some time in special schools there and to study the methods used in dealing with mentally defective children. On their return two additional classes were opened in different districts of the city, and other selected teachers were placed under these ladies to be trained for similar work. As the teachers in training became competent to take charge, additional classes were opened, and at the present moment the Board have in existence seven centres with 286 children under sixteen teachers.

The Board asked the Scotch Education Department to make definite provision for such children, and in 1902 a section was added to the Scotch Code allowing special classes limited to twenty pupils reserved for defective or epileptic children to rank for grant "as for an average attendance of fifty or any less number that the Department, having regard to the circumstances of the case, may determine." It was a condition of the grant that all children should be medically certified to be suitable for such classes.

Recently a further return was invited from the head-masters at the request of Dr. Chalmers, medical officer for the city, for the purposes of this Commission. This return showed that there were in the schools 407 children reported to be mentally defective, twenty-two reported to be epileptic, and ninety-one returned as doubtful.

With reference to the special centres, the Board have, so far, not erected special buildings, but have carried on the classes in rooms in ordinary schools. In one case the premises of a discontinued school were adapted as a special school for mentally and physically defective children, who, however, are kept quite separate both in school and in playground. At present an addition is being built to a school, which contains class rooms and other accommodation intended solely for defective children. As these classes are carried on as part of an ordinary school, it is not possible to give exact figures of their cost, but, taking a typical centre with an average attendance of 31 for last year, and estimating certain items of expenditure, I find the cost to the rates to be nearly £1 12s. per scholar in average attendance as compared with £1 6s. 9d. for ordinary scholars. The expenditure on teachers, salaries is £210 (two teachers), on other items, including a proportional sum for cleaning, heating, and lighting, £20, while the Government grant received amounts to £181. It is somewhat early to form very definite conclusions as to the success of these classes, but there have been several cases where children have been able to return to the ordinary school, after a period in the special class. These were probably cases of arrested development in regard to some subject of instruction. In most cases the discipline of school tells, and, at any rate, apart from the benefit to the defective children through the individual attention they receive in special classes, it is a great relief to the ordinary schools to have these children dealt with separately.

In regard to the future, the Board would suggest that somewhat wider powers should be given for the care of such children. In many cases it is not desirable that they should go and come from school in the middle of the day, and it would be better, as in the case of physically defective children, that they should be provided with a meal in school.

There ought to be granted to school boards permissive powers to contribute to institutions suited for such children.

I may add that I have taken an interest since the beginning in the work of the Glasgow Association for the After Care of Defective and Feeble-minded Children. The idea of this association has been to provide Homes to which mentally defective children who have passed through the classes under the Board might be transferred so as to be kept under proper supervision. This association have recently purchased a Home which will accommodate twenty girls.

In connection with the school board work, we are frequently coming across cases of parents who have what is called a want, and a number of the children most difficult to deal with are the children of such parents.

25037. (*Mr. Dickinson.*) I see you have had two investigations into the number of feeble-minded children in the schools in Glasgow, one in 1896 and the other in 1905 ?—Yes.

25038. In the first case the number came out at 184, while in the other it came out at 407 ?—I think the reason of the discrepancy is that the head-masters have been taking more interest in the matter lately, and they understand better what was wanted, I believe that in the earlier investigation there were probably a large number who were really defective and were not included.

25039. They were really not returning some imbeciles ?—I think they were failing to return many that they should have returned.

25040. I do not quite understand your figures when you state that forty-seven out of these 184, were children that were suitable for Larbert. What do you mean by "Children suitable for Larbert ?" do you mean children who were imbecile, uneducable ?—They were uneducable in our schools.

25041. They were clearly imbecile ?—Yes.

25042. Can you tell us at all what happened with those children ? Do you follow them up ? I understand you communicated with all the parishes to see if anything could be done ?—I am afraid that those whom we sent to institutions have not been followed up by the School Board.

*R. S. Allan, Esq.*

13 June 1906.

25043. Were they sent to institutions ?—I believe after the earlier investigation they were. It is a long time ago, and I cannot say anything as to the actual after-history of those cases.

25044. You go on to say: "In reference to the children attending the ordinary schools, the medical officer reported seventy-nine as mentally defective, forty-one as both mentally and physically defective, and forty as simply physically defective." What is the difference between those and the figures above—to what exactly does the seventy-nine refer ?—I understand it is a portion of the children who were included in that 184, and were in our schools at that date.

25045. The whole of the 184 were not in your schools ?—They were in our schools, but thirty-seven were not profitably receiving education, and forty-seven were so bad that they were really suitable for an institution. The forty-seven were children who might have been educated in our schools if there had been provision made for them. I have not actually added up the figures, but I think these were in the 184.

25046. I see, in your last paragraph but one, you state that you have established a Home for the girls. That is quite apart from the School Board ?—Yes.

25047. It is really for girls who have grown beyond the school age ?—The idea is to take in girls who have passed beyond the school age or are passing beyond it and reaching the limit.

25048. Does the School Board pay anything for them ?—We are unable to do so.

25049. How are they maintained ?—By public subscription. It is purely a benevolent thing.

25050. They are cases that you think a school board ought to maintain ?—We think that powers ought to be given to the School Board to deal with such cases. We have on various occasions asked that powers should be given.

25051. You do not have the powers that we have in England ?—No. I put in two statements issued by the association which has just been formed for the care of the defective and feeble-minded children.

ASSOCIATION FOR THE CARE OF DEFECTIVE AND FEEBLE-MINDED CHILDREN.

*Honorary President.*—Sir J. Ure Primrose, Bart., Lord Provost of the City of Glasgow.

*President.*—D. Yellowlees, M.D., LL.D., Hon. Consulting Physician, Glasgow Royal Asylum, Gartnavel.

*Vice-President.*—R. S. Allan, Chairman of the School Board of Glasgow.

*Hon. Treasurer.*—J. D. Roberton, 1, Park Terrace East, Glasgow.

*Hon. Secretary.*—A. H. Charteris, LL.B., Writer, 79, West Regent Street, Glasgow.

*Directors.*—Wm. Kennedy, Provost of Partick, R. Scott, Chairman of the Parish Council of Govan; Rev. J. Smith, D.D., Chairman of the School Board of Govan; J. Carfrae Alston; R. Barclay Ness, M.B.; Patrick A. Smith, M.D.; A. A. Mitchell, LL.B.; Miss E. J. Aikman, of the Parish Council of Glasgow; Miss M. Burnett, of the Parish Council of Govan; Miss Grace Paterson, of the School Board of Glasgow; Miss M. G. May, of the School Board of Govan; Alice M'Laren, M.D.; Mrs. Greenlees; Mrs. Kennedy; Mrs. G. B. Main; Miss K. V. Bannatyne; Miss A. B. Brown, and the Office-bearers above named.

DEAR SIR OR MADAM,—The care of defective and feeble-minded children has received increasing attention during the past few years, and is now recognised as a matter of national importance. It has been estimated by a committee, appointed in 1897 by the English Education Department, that of the total number of children attending the elementary schools of England and Wales at least 40,000 are mentally defective, that is, are children who, not being really imbecile, are yet by reason of mental or physical defect incapable of receiving proper benefit from the instruction of the ordinary public elementary schools. This percentage, which is equivalent to 1 per cent. of the total number in attendance, is thought

*R. S. Allan, Esq.*

13 June 1906.

to be under-estimated, it is certainly much exceeded in some areas. In Scotland the proportion can hardly be less than in England.

The education of such children can be, and in many large towns—including Glasgow and Govan—is, undertaken by the school boards by providing special classes and teachers, and children whose intelligence is not much below the normal, may be fitted by these means to support themselves in suitable ways in after life. But for those children whose mental deficiency is more marked the authorities recognise that education, in itself a matter of extreme difficulty, is even less important than a system of supervision by which such children may be cared for when they have passed school age, since it is then and afterwards that feeble-mindedness works the greatest harm to its victims and to society.

This supervision or "after-care" must be *permanent* to be effective, and ought, therefore, to be undertaken by the public authorities, who have not yet received from Parliament the powers necessary for that object. A petition signed by many influential people, and in particular by those familiar with the work and its needs has recently been presented to Parliament urging the appointment of a Royal Commission to investigate and report on this very important subject. Meanwhile, it is to private benevolence and private effort that one must look for even a partial provision of this "after-care."

In England the educational boards enjoy special powers to provide for the education and maintenance of defective children up to the age of sixteen, and it is earnestly hoped that the new Education Act for Scotland may contain similar provisions. A number of Homes, both for boys and girls, which the school boards aided alike in providing and maintaining, already exist in England. Moreover, two voluntary associations with which the school boards co-operate, *viz.*:—The National Society for Promoting the Welfare of the Feeble-minded, and the Lancashire and Cheshire Society for the Permanent Care of the Feeble-minded have existed for some time, and do good work not only by supporting Homes for children and adults, but also by distributing information, holding conferences and arousing interest in Parliament and elsewhere in the cause of the feeble-minded.

The interest of Glasgow in the cause of these defectives was greatly quickened by an address delivered by Miss Dendy, the hon. secretary of the last-named association, to the Association of Women Workers on 10th December, 1901. A committee was appointed by that association to inquire into the local conditions and needs of the feeble-minded children. Out of that committee this association has sprung, and most of its directors were members of the Committee. The association has been formed with the object of keeping before the public the necessity for the further care and supervision of the feeble-minded, of educating public opinion thereon, and of endeavouring to influence Government to give increased legal control of these defectives. Further, the association proposes, in co-operation with the School Board authorities in Glasgow, to visit such children in their homes, particularly during the last year of their attendance at school, and by friendly counsel to induce their parents and guardians, in the interest alike of the children and of the community, to avoid the danger of sending them to any employment which may offer on their leaving school, but to endeavour to have them placed in situations where they will be suitably supervised and cared for. The association hopes to exercise in this way a supervision which, if indirect, may yet have good results. This supervision can at best be but palliative, and the need is keenly felt of a Home in which permanent supervision can be undertaken. The association hopes soon to be able to make a beginning with a small Home for girls over school age, and for this purpose funds are urgently required.

The association desires to have as members all persons who are in sympathy with its aims and are willing to give it their support, and ventures to hope that you may see your way to join it. Any subscription which you may be disposed to give should be sent to the honorary treasurer. Yours faithfully,

D. YELLOWLEES, *President.*
R. S. ALLAN, *Vice-President.*
A. H. CHARTERIS, *Hon. Secy.*

ASSOCIATION FOR THE CARE OF DEFECTIVE AND FEEBLE-MINDED CHILDREN.

*Honorary President.*—The Honourable the Lord Provost of Glasgow.

*President.*—D. Yellowlees, M.D., LL.D., Hon. Consulting Physician, Glasgow Royal Asylum, Gartnavel.

*Vice-President.*—R. S. Allan, Chairman of the School Board of Glasgow.

*Hon. Treasurer.*—A. A. Mitchell, LL.B., 79, West Regent Street, Glasgow.

*Hon. Secretary.*—A. H. Charteris, LL.B., 79, West Regent Street, Glasgow.

*Committee.*—Rev. J. Smith, D.D., Chairman of the School Board of Govan, J. Carfrae Alston, R. Barclay Ness, M.B., Patrick A. Smith, M.D., Miss E. J. Aikman, of the Parish Council of Glasgow, Miss M. Burnett, of the Parish Council of Govan, Miss Grace Paterson, of the School Board of Glasgow, Miss M. G. May, of the School Board of Govan, Alice M'Laren, M.D., Mrs. Greenlees, Mrs. G. B. Main, Miss K. V. Bannatyne, Miss A. B. Brown, Miss Marion Rutherfurd. And the office-bearers above-named.

*Association for the Care of Defective and Feeble-minded Children.*

79, West Regent Street,
Glasgow, *January*, 1906.

DEAR SIR OR MADAM,—In September, 1903, a circular was issued by this association drawing attention to private efforts made in England to provide for the after-care of defective and feeble-minded children and to the need of similar provisions for such children in Glasgow.

It is estimated by competent authorities that the number of defective and feeble-minded children in Glasgow is not less than one thousand, and though the special classes established by the school boards of Glasgow and Govan do much for their instruction during school age, no provision, whatever, is made in this town for their after-care. Numbers of such children leave these classes annually; there is naturally great difficulty in finding suitable employment for them, and without proper supervision they fall only too readily into evil courses, to the danger of the community. It has been shown, however, in England, that with suitable after-care and supervision, they may be saved from unworthy lives, and by work suited to their capacity, may render themselves in some measure self-supporting.

As a first attempt to meet this need—which is widely recognised to be urgent in Glasgow—this association now appeals for funds to start a small Home for girls over school age. A most suitable house has been found, a few miles from Glasgow, which is capable of accommodating from fifteen to twenty girls, and the Association proposes, as soon as this appeal has borne fruit, to take it on lease.

It is intended that the girls shall pursue industrial occupations in the Home, and where possible small payments towards their maintenance shall be made by parents or by friends interested in any boarder.

The Home when started will be the first of its kind in Scotland.

A sum of £400 is required for initial outlay, which will cover furnishing, but the committee desires before opening the Home to be assured of an income sufficient to meet the first year's expenditure, which, on the basis of experience in England, is estimated at £350 or £400, and would include rent, taxes, household expenses, clothing, and all other charges. In addition to the first-mentioned sum the committee is therefore anxious to obtain subscriptions towards the annual expenditure.

As the need for the Home is undoubtedly urgent, the Association commends this appeal to your friendly consideration, and will be grateful to you for any donation which you may be disposed to give and for the promise of an annual subscription. Yours faithfully,

D. YELLOWLEES, *President.*
R. S. ALLAN, *Vice-President.*
A. H. CHARTERIS, *Hon. Secretary.*

The following are among the subscriptions already received:—

| | |
|---|---|
| R. S. Allan | £50 |
| J. Carfrae Alston | 50 |
| M. Greenlees | 50 |
| W. Ker | 50 |
| David McCowan | 50 |
| Dr. J. D. McLaren | 10 |
| J. S. Napier | 25 |
| J. S. Templeton | 50 |
| James Templeton | 50 |
| Messrs. Wordie | 50 |
| Dr. Yellowlees | 20 |

25052. Does this association follow up the children after they leave school in Glasgow?—They will do so. We feel it necessary that the children should be followed up.

25053. (*Mr. Byrne.*) On the subject of after-care, do you contemplate that with the slight assistance of the after-care association any considerable number of these children would be able to fend for themselves and get on in freedom?—I am afraid not. We only look on this as a beginning. Both the Association and the Board feel strongly that it requires to be tackled seriously, and it can only be tackled seriously if we have large financial help.

25054. Do you consider after-care to be of any use really which must be almost daily in some cases?—It depends on the conditions of the family. In certain milder cases we believe that a good deal could be done in the way of advice to parents as to the kind of institution into which they should get the children, more particularly the girls. I am afraid that my evidence does not quite agree with some evidence you have got as to the actual danger. The girls are exposed to the very greatest danger, and a great deal of care is necessary to prevent their going wrong.

25055. You think that advice and care are necessary?—Yes. I think that is undoubtedly the fact in all the cases that have gone through our special classes, they require to be looked after.

25056. You have not enough experience to know what proportion are unfit for training after gaining freedom?—I cannot say definitely, but there are a great many of them that require institutional care.

25057. You are awaiting anxiously the time when you will be allowed to keep them till at least sixteen or eighteen?—Yes, that should be the minimum.

25058. At present you have not even got that?—No. We have asked that this power should be given optionally. We feel in Scotland, where you have children of this kind in a village school, that proper care might be taken of them without harm, without their having to go into an institution. In large cities it is different. In some villages it would be a hardship if the education authority were obliged to board the children, because in some cases they are as well taken care of in the village school as they would be in an institution.

25059. Have you in Glasgow tried boarding out children in the neighbourhood of your special classes?—We have no power to do so.

25060. I thought you might have tried it?—No.

25061. Do you think you might be able to get any assistance from the industrial school system in dealingwith these?—I am afraid they would not take any children of that sort. We have had a child or two in our day industrial schools in Glasgow, but they have only been taken in as a favour, and it really does not help them.

25062. They interfere with the discipline?—Yes. I do not think that it is a proper place for a mentally defective case.

25063. You would like to see special industrial schools for them?—Yes, I think that would be a great thing. *R. S. Allan, Esq.* 13 June 1906.

25064. You like the system of the industrial schools as applied to this class?—Yes.

25065. That is to say central regulations and inspections and a central government subscription, and freedom to these authorities to work themselves or to join with other authorities, or to avail themselves of philanthropic agencies?—That would be a move in the right direction. We have cases that are not suitable for the ordinary industrial schools, and where the removal of the child is very desirable both in the interest of the child and in the interest of the community.

25066. So you would like to see such schools established for the feeble-minded children?—Yes.

25067. You expect that when your system is well established some of your children will make themselves liable to committal to industrial schools, and some of them will be living in disorderly houses or will be found wandering?—Yes.

25068. If there were an industrial school you could get the children committed to it at once?—Yes. I do not say it would be an ideal settlement for some of them. Some of these children are extremely difficult to deal with at the present moment.

25069. You would consider it one great advantage of the industrial school system that it entirely removed parental control and custody and made the authority the guardian of the children?—In the cases of the dissipated parent it is very desirable to have the power to remove. We have a certain number of dissipated guardians and parents, and it is desirable that the children should be removed.

25070. (*Chairman.*) Is there anything you would like to add to the evidence you have given us?—I do not think there is anything except that I would like to emphasise the fact that our statistics are apparently somewhat different from the statistics that have been got elsewhere. The 400 out of the population of Glasgow you may find to be different from the figures I have put in as representing this association for the care of the defective children. That is accounted for by the fact that the Glasgow School Board are only dealing with Protestant children. We have a great number of Roman Catholic children in Glasgow, but we have no statistics in regard to them. Our researches are solely in connection with our board schools with an enrolment of between 75,000 and 80,000. We know nothing about the other 30,000.

25071. They have their own schools?—Yes. Then this association deals not with the school board area of Glasgow, but with the municipal area, which is very much larger. There are six school boards in the municipal area, so that you will find that we mention 1,000 children in connection with the association, while in connection with our school board we are only speaking of 500. There is no discrepancy between us there. The only other point was with regard to the necessity of the school board receiving powers, if possible, to maintain these children in institutions, if necessary, and that there should be given to some authority power to look after those children afterwards. As representing this association, I particularly want that. Glasgow is in a better position than other places in this matter, and yet the children are going wrong. We have known cases of their going wrong, and we feel the necessity of this care being given not only during their school life, but after they leave school.

25072. You would make the managers of the school the guardians of the children up to eighteen?—I think that would be quite proper. Of course, what applied to Glasgow may not apply to country districts. I am only speaking of the most congested area in Scotland, and we feel that the position in country districts is different from what it is with us.

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(*A Statement was submitted by Thomas Munro, Esq., Clerk to the County Council of Lanarkshire, but he was unable to attend to give oral Evidence; his Statement will be found with the Appendix Papers on p. 352, post.*)

# APPENDICES.

# APPENDICES.

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ROYAL COMMISSION ON THE CARE AND CONTROL OF THE FEEBLE-MINDED.

# GENERAL BOARD OF LUNACY FOR SCOTLAND.

COPIES OF BLANK FORMS AND SPECIMEN BOOKS, REGULATIONS, AND INSTRUCTIONS TO INSPECTORS OF POOR, IN USE BY THE GENERAL BOARD OF LUNACY FOR SCOTLAND IN RELATION TO THE CARE OF THE INSANE IN PRIVATE DWELLINGS, AND COPIES OF GENERAL REPORTS ON THREE SPECIALLY LICENSED HOUSES (ONE FROM EACH OF THE THREE GROUPS VISITED BY THE ROYAL COMMISSIONERS), AND OF THE CASE RECORDS OF THE PATIENTS WHO WERE SEEN IN EACH OF THESE HOUSES; TOGETHER WITH BRIEF NOTES OF THE MAIN FACTS IN REGARD TO EVERY PATIENT SEEN IN EACH OF THE THREE LOCALITIES VISITED BY VARIOUS MEMBERS OF THE COMMISSION; AND BRIEF STATEMENT BY THE GENERAL BOARD OF LUNACY OF CERTAIN POINTS IN REGARD TO WHICH THEY THINK THAT AMENDMENT OF THE LUNACY ACTS (SCOTLAND) WOULD BE DESIRABLE.

*(Sent in by T. W. L. Spence, Esq. See Questions 20789–21196).*

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# PART I.

## COPIES OF BLANK FORMS, SPECIMEN BOOKS, REGULATIONS AND INSTRUCTIONS USED BY THE GENERAL BOARD OF LUNACY FOR SCOTLAND IN RELATION TO THE CARE OF THE INSANE IN PRIVATE DWELLINGS.

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**[Sent to the Board by Inspectors of Poor in the case of every Insane Person who requires Parochial Relief.]**

[FORM I[1].]

20 & 21 *Vict. Cap.* 71, *Sect.* 112.

INTIMATION OF A PAUPER LUNATIC.

I HEREBY GIVE YOU NOTICE, THAT
residing at in the Parish of
became known to me as a Pauper Lunatic chargeable to the Parish of
on the day of on Certificates of Lunacy by*
and
and that such Lunatic (1)

(SIGNATURE)_____*Inspector.*

DATED at this (2) Day of
Nineteen hundred and

*To the Secretary of the General Board of Lunacy,*
*Edinburgh.*

---

(1) (*a*) If removed to an Asylum or other establishment, state name of establishment to which removed, and also name or names of person or persons—male or female—by whom patient was accompanied.
(*b*) If left under private care, state name of person with whom, and place at which patient is left.
(2) Some day within seven days after becoming aware of the Pauper Lunatic being within the Parish, or chargeable to the Parish.
* In the case of a patient already in an Asylum as a private patient the names of the certifying medical men may be left blank.

NOTE.—A similar intimation must be sent within the same time to the Chairman of the Parish Council.

---

**[Sent to Inspectors of Poor when after lapse of a reasonable time no information has reached Board as to the manner of disposal of a Person intimated as a Pauper Lunatic.]**

General Board of Lunacy,
Edinburgh.

SIR,

REFERRING to your intimation of the case of a Pauper Lunatic residing at
I have to inform you that, if you do not propose to place in an Establishment for the Insane, it will be necessary to make application forthwith to this Board for their sanction to residence in a Private Dwelling, according to the enclosed Form D.

It will be observed from Rule I. of the Board's "Instructions to Inspectors of Poor" (1895), that the Statute does not recognise any person as a lunatic who has not been certified by *two* medical men to be a "Lunatic," an "Insane Person," an "Idiot," or a "Person of Unsound Mind." It is therefore indispensable that both the Certificates attached to the Schedule be filled up.

I am,
SIR,
Your obedient Servant,

*Secretary.*

*Inspector of Poor.*

---

**[Form applicable to the case of a Pauper Lunatic who is not to be removed to an Establishment for the Insane, but who is left, after intimation, under private care, either with his Relatives or with Unrelated Guardians.]**

[FORM D.]

25 *and* 26 *Vict. Cap.* 54, *Sect.* 5.
29 *and* 30 *Vict. Cap.* 51, *Sect.* 13.

APPLICATION TO THE GENERAL BOARD OF LUNACY TO GRANT SANCTION FOR THE RESIDENCE OF A PAUPER LUNATIC IN A PRIVATE DWELLING, SPECIALLY LICENSED OR OTHERWISE.

UNTO THE GENERAL BOARD OF LUNACY

THE PETITION OF
Humbly sheweth, That
a pauper lunatic chargeable to the Parish of
residing at

is at present in a state of Mental Derangement, does not require, either for own welfare or the safety of the public to be placed in an Asylum, and is a proper person to be provided for in a Private Dwelling; and further, that the circumstances in which it is proposed to place the Patient are, in the opinion of the Petitioner, such as will ensure being properly cared for.

(1) Specially Licensed, *if a Special Licence for the reception of more than one Lunatic is held by the Occupant.*

May it therefore please you to authorise the Residence of the said person in the (1) House of at in the Parish of

(*Signed*)——————————

*Inspector of Poor of the Parish of*——————————

DATED at this day of One thousand nine hundred and

STATEMENT.

*If any of the particulars in this Statement are not known, the fact to be so stated.*

1. Christian Name and Surname of Patient at length, -
2. Sex and Age, - - - - - - - - - -
3. Married, Single, or Widowed, - - - - - -
4. Condition of Life, Previous Occupation and residence,
5. Religious Persuasion, so far as known, - -
6. Country or Place of Birth, - - - - - -
7. Length of Time Insane, - - - - - - -
8. Duration of existing Attack, - - - - - -
9. Whether first Attack, - - - - - -
10. Age (if known) on first Attack, - - - - -
11. (*a*) Whether previously under Treatment in an Asylum, when, and where, - - - - - -
    (*b*) Whether previously under Care in a Private Dwelling, as a Certified Lunatic reported to the Board; when, and where, - - - - - -
12. Supposed Cause of Insanity, - - - - -
13. Whether Paralytic, - - - - - - -
14. Whether Epileptic, - - - - - - -
15. Whether capable, as to *bodily* condition, of earning a livelihood, - - - - - - - -
16. Whether Suicidal, - - - - - - - -
17. Whether Dangerous to others, - - - - - -
18. Whether Violent or Noisy, - - - - - -
19. Whether refusing Food, - - - - - - -
20. Whether of Uncleanly Habits either by Day or Night,
21. Whether offensive to Decency, - - - - - -
22. Whether known to be a Parent, - - - - -
23. Whether capable of helping Guardian in household or other work, - - - - - - - -
24. Parish to which Chargeable, - - - - - -
25. Date of becoming Chargeable, - - - - - -
26. Christian Name and Surname, and Place of Abode of nearest known Relative of the Patient, and degree of Relationship (if known), and whether any Member of patient's Family known to be or to have been insane, - - - - - - -
27. Degree of Relationship to the proposed Guardian with whom the Patient is to be placed, - - -
28. Sex, Age, and Occupation of Person with whom it is proposed to leave the Patient, - - - -
29. Whether Patient's proposed Guardian is a pauper, and if so, amount of relief given on Guardian's own account, - - - - - - - - -
30. Number of Rooms with windows in House, - -
31. Number of Persons accommodated in House, distinguishing Children, - - - - - - -
32. Nature and Weekly Amount of Parochial Relief, not including Clothing, proposed to be given on Patient's own account, - - - - - - -
33. Whether there is any other Lunatic in the house, and if so, name and Parish of chargeability, - - -
34. Special circumstances (if any) preventing the insertion of any of the above particulars, - - - -

(*Signed*)——————————*Inspector of Poor,*

DATED this day of One thousand nine hundred and

MEDICAL CERTIFICATE No. I.

I, the undersigned,
being a (1)
and being in actual practice as a (2) do
hereby certify, on soul and conscience, that I have this day, at (3) in the county of
visited and personally examined (4)
and that the said person is a (5)
does not require, either for own welfare or the safety of the public
to be placed in an Asylum, and is a proper person to be detained under care and treatment in a Private Dwelling,
and that I have formed this opinion upon the following grounds, viz. :—

1. Facts indicating insanity or idiocy observed by myself (6)
2. Facts indicating insanity or idiocy communicated to me by others (7)
3. Facts indicating that the Patient is a proper person to be detained in a Private Dwelling.

I further certify that, in my opinion, the circumstances in which the Patient will be placed are suitable and sufficient for proper care and treatment.

(*Signed*) *Name and Medical Designation,*——————————
*Place of abode,* ——————————

Dated this day of One thousand nine hundred and

(1) *Here set forth the qualification entitling the person certifying to grant the certificate; e.g.*—Member of the Royal College of Physicians in Edinburgh.
(2) Physician *or* Surgeon, *as the case may be.*
(3) *Here insert the street and number of the house (if any), or other like particulars.*
(4) *Here insert the Pauper's name.*
(5) *Here insert one or other of the following Statutory terms :*—Lunatic, *or* Insane Person, *or* Idiot, *or* Person of unsound mind.
(6) *Here state the facts.*
(7) *Here state the information and from whom derived.*

MEDICAL CERTIFICATE No. II.

I, the undersigned,
being a (1)
and being in actual practice as a (2) do
hereby certify on soul and conscience, that I have this day, at (3) in the county of
visited and personally examined (4)
and that the said person is a (5)
does not require, either for own welfare, or the safety of the public,
to be placed in an Asylum, and is a proper person to be detained under care and treatment in a Private Dwelling,
and that I have formed this opinion on the following grounds, viz. :—

1. Facts indicating insanity or idiocy observed by myself : (6)
2. Facts indicating insanity or idiocy communicated to me by others : (7)
3. Facts indicating that the Patient is a proper person to be detained in a Private Dwelling.

I further certify that, in my opinion, the circumstances in which the Patient will be placed are suitable and sufficient for proper care and treatment.

(*Signed*) *Name and Medical Designation,*——————————
*Place of Abode,*——————————

DATED this day of One thousand nine hundred and

(1) *Here set forth the qualification entitling the person certifying to grant the certificate; e.g.*—Member of the Royal College of Physicians in Edinburgh.
(2) Phycian or Surgeon, *as the case may be.*
(3) *Here insert the street and number of the house (if any), or other like particulars.*
(4) *Here insert the Pauper's name.*
(5) *Here insert one or other of the following Statutory terms*—Lunatic, *or* Insane Person, *or* Idiot, *or* Person of unsound mind.
(6) *Here state the facts.*
(7) *Here state the information and from whom derived.*

**[The following Circular Form is sent by the Board to Inspectors of Poor whenever a patient in an establishment for the Insane is discharged unrecovered. If the patient is removed from the Poor Roll on discharge, only the first part of the Form is filled up; if he is to continue to receive parochial relief, the two Statements and the Application appended must also be filled up. The patient being, as an inmate of an establishment for lunatics, already a certified lunatic, no further certification is necessary, beyond the Medical Statement, to enable the Board to judge of the fitness of the patient for private care.]**

DISCHARGE OF UNRECOVERED PAUPER PATIENTS.

*To the Inspector of Poor,*
*Parish of*

General Board of Lunacy for Scotland,
Edinburgh, 19 .

SIR,

With reference to the removal of
an unrecovered Patient
from on
the I am directed to request you to answer
the following Queries, and return the document to the Board,
Your attention is also called to the note at the foot of the page. I am,

Your obedient Servant,
T. W. L. SPENCE.
*Secretary.*

1. Was the Patient removed from the Asylum by Minute of the Parish Council ? - - - -
2. If so, state the date of the Minute, - - -
3. If not removed by Minute of Parish Council, by what procedure, or in what way, was the Patient removed ?- - - - - - - - - -
4. Is the Patient's Name on the Poor Roll ? - -

(*Signed*) ——————————

*Dated*——————————19 .

*Inspector of Poor of the Parish of* ——————————

*It is necessary that the Forms which are appended be filled up,* if the patient remains a pauper, *but not otherwise.*

## COPY STATEMENT BY THE PRINCIPAL ASYLUM MEDICAL OFFICER.

of the———————————————

1. Name of Patient, - - - - - - -
2. Whether Paralytic, - - - - - - -
3. Whether Epileptic, - - - - - - -
4. Whether Suicidal, - - - - - - -
5. Whether Dangerous to others, - - - - -
6. Whether Violent or Noisy, - - - - - -
7. Whether refusing Food, - - - - - -
8. Whether of Uncleanly Habits either by Day or Night, - - - - - - - - - - -
9. Whether offensive to Decency, - - - - -
10. Whether capable of helping in Household or other work, - - - - - - - - - -
11. Facts, if any, as regards the past history of the patient, such as indications of having been previously dangerous, which it is thought should be brought under the notice of those who are to have the charge and supervision of the patient, - -

(Copy Signature) ———————————————
*Principal Medical Officer.*

Date———————————————19

I hereby certify the foregoing to be a true Copy.

(Signature) ———————————————
*Inspector of Poor.*

---

## STATEMENT BY THE INSPECTOR OF POOR.

1. Age of Patient, - - - - - - - - -
2. Married, Single, or Widowed, - - - - - -
3. Whether previously under care in a Private Dwelling, as a certified Lunatic reported to the Board; when and where - - - - - - - -
4. Whether known to be a Parent, - - - - -
5. Degree of Relationship to the proposed Guardian,
6. Sex, Age, and Occupation of proposed Guardian, -
7. Is proposed Guardian a Pauper? and if so, state amount of Relief given on Guardian's own account,
8. Number of Rooms in House, - - - - -
9. Number of Persons accommodated in House, distinguishing Children, - - - - - -
10. Nature and Weekly Amount of Parochial Relief proposed to be given on Patient's own account, not including Clothing. - - - - - - - -
11. Is Clothing to be given in addition to the Allowance?
12. Are there any other Lunatics in the House? and if so, state Names and Parishes of chargeability, -
13. Special circumstances (if any) preventing the insertion of any of the above particulars - -

(Signature) ———————————————
*Inspector of Poor.*

Date———————————————19

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*25 and 26 Vict. Cap. 54, Sect. 5.*
*29 and 30 Vict. Cap. 51, Sect. 13.*

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APPLICATION TO THE GENERAL BOARD OF LUNACY TO GRANT SANCTION FOR THE RESIDENCE OF A PAUPER LUNATIC IN AN ORDINARY DWELLING, OR A SPECIALLY LICENSED HOUSE.

UNTO THE GENERAL BOARD OF LUNACY.

THE PETITION OF THE INSPECTOR OF POOR OF THE PARISH OF
humbly sheweth, that it appears from the accompanying Documents that
residing at
is at present in a state of Mental Derangement, does not require, either for own welfare or the safety of the public, to be placed in an Asylum, and is a proper person to be provided for in Private Dwelling; and further, that the circumstances in which it is proposed to place the Patient are, in the Applicant's opinion, such as will ensure being properly cared for.

May it therefore please you to authorise the residence of the said person in the (1)
House of
at in the
Parish of

(*Signed*) ———————————————
*Inspector of Poor of the Parish of* ———————————————

Dated at this day of
One thousand Nine Hundred and

(1) Specially Licensed, *if a Special License for the reception of more than one Lunatic is held by the Occupant.*

NOTE.—*The Inspector of Poor is reminded that, if sanction is granted in this case, the Rules of the Board as to Medical Visitation, and as to changes in the Allowance, Residence, or Guardianship, must be strictly observed.*

**(Sent to Board in case of all Pauper Lunatics under private care.)**

[FORM I.]

NOTICE OF DEATH, RECOVERY, TRANSFERERCE OF LIABILITY OR REMOVAL FROM POOR ROLL.

*The Death or Recovery of Patients in Asylums need not be notified; but notice of Transference of Liability and of Removal from Poor Roll of Unrecovered Cases, must be sent in regard to all Patients.*

I HEREBY GIVE YOU NOTICE, That
a Pauper Lunatic of the Parish of resident at
[since (1) 190 ] ceased to be chargeable, as a Pauper Lunatic, to the (1) Fill up date in Asylum cases.
said Parish, on the day of 190 by*
*Inspector.*
*Parish.*

Dated this day of One Thousand Nine Hundred and

TO THE SECRETARY OF THE GENERAL BOARD OF LUNACY, EDINBURGH.

*N.B.—The cause of death of patients who die in Private Dwellings must be stated.
A Certificate of Recovery must accompany notice of Recovery of a patient in a Private Dwelling.
A Minute of Parish Council must accompany notice of removal from Poor Roll of a Patient in a Private Dwelling.

---

**[Notice sent to Board of Change of House or Guardian of a Pauper Lunatic under Private Care and Sanction.]**

[FORM H 4.]

29 & 30 *Vict. Cap.* 51, *Sects.* 9 & 10.

* NOTICE OF REMOVAL OF A PAUPER LUNATIC.

(*a*) FROM AN ESTABLISHMENT TO A PRIVATE DWELLING,
(*b*) FROM A PRIVATE DWELLING TO AN ESTABLISHMENT,
(*c*) FROM ONE PRIVATE DWELLING TO ANOTHER.

I HEREBY GIVE YOU NOTICE, That
a Pauper Lunatic of the Parish of resident in the (1)
[situated at (2)
in the Parish of ], was on the day of
placed in the (1)
[situated at (2) in the Parish of ]
as authorised by (3)

[*State briefly in the space below what has led to the change, if the removal is* to *an Establishment or* from *one Private Dwelling* to another. *In every case of removal to a Private Dwelling, the amount of Parochial Relief under the new arrangement must also be stated*:—

].

SIGNATURE,
*Inspector of Poor, Parish of*

DATED at this day of
One thousand eight hundred and

*To the Secretary of the
General Board of Lunacy, Edinburgh.*

Name Establishment, or "house of," naming guardian.
If removal is from or to a Private Dwelling, add situation of house and Parish, as indicated in bracketed line. The bracketed lines, when following the name of an Establishment, are to be left blank.
Name authority, and if authorised by Minute of Parish Council, state date of Minute.
* NOTE.—*This Form refers only to changes in the case of Pauper Lunatics already intimated to and registered by the Board.*

---

**(Letter of Sanction following Notice as above.)**

General Board of Lunacy,
Edinburgh, 190

SIR,

WITH reference to your communication of the
I am directed to inform you that the Board sanction the residence of
under the guardianship of
at
in the Parish of
until visited by one of the Board's Officers.—I am, SIR,

Your obedient Servant

*Secretary.*

*To the
Inspector of Poor
of the Parish of*

**[The following Form of Sanction used whether Patient is to remain under Private Care without having been previously an Inmate of an Establishment for Lunatics, or is removed to Private Care from an Establishment.]**

*Number of Sanction,*

SANCTION BY THE GENERAL BOARD OF LUNACY FOR THE RESIDENCE OF A PATIENT IN A PRIVATE DWELLING.

By Authority of the Board, I hereby sanction the residence of
a Patient, in the
House of at
until visited by one of the Board's Officers.

*Commissioner.*

Dated at Edinburgh, this day of
One thousand nine hundred and

---

**[The following separate Document is sent to the Inspector of Poor, with each Sanction, to be placed in the hands of the proposed Guardian.]**

DIRECTIONS TO PERSONS RECEIVING PAUPER PATIENTS INTO PRIVATE DWELLINGS WITH THE SANCTION OF THE GENERAL BOARD OF COMMISSIONERS IN LUNACY FOR SCOTLAND.

*Bedding and Sleeping Rooms.*

Guardians shall see that the sleeping room occupied by a patient is sufficient in size, free from damp and well ventilated, that the bed is comfortable, and that the bed coverings are suitable and sufficient for the season of the year. Male patients shall occupy separate beds. Two female patients shall only share the same bed if their habits are such as not to make that arrangement undesirable, and if they both share the same bed willingly. In such case a bed should always be available in the house to meet cases of illness.

*Clothing.*

They shall take care that every patient is furnished with at least one full change of clothing, and they shall keep all articles of clothing clean and in good repair. A separate box or drawer should be set apart for the clothing of each patient and kept in the patient's room, so that it may be readily inspected by the Commissioners in Lunacy, local medical officers, and inspectors of poor.

*Cleanliness.*

The guardians shall attend strictly to the personal cleanliness of every patient under their care; much importance is attached to this requirement.

*Food.*

They shall take their meals along with the patients, and at the same table, and they shall supply them with the same kind of food as they take themselves, unless the medical officer shall decide otherwise. The food must always be sufficient in quantity, of good quality, and carefully cooked.

*Occupation and Exercise.*

The guardians shall do all they can to get the patients to employ themselves in work suited in their training and ability; but they shall at the same time be careful not to overtask those who are inclined to be industrious. It is desirable that every patient who is fit for it should have outdoor exercise every day when the weather is suitable.

*General Treatment.**

They shall, as much as possible, treat the patients as members of their own families, and shall do all that they can to protect them from harm, and to improve their health and increase their happiness. Guardians must clearly understand that punishment of any kind or mechanical restraint in any form is absolutely forbidden. Patients should be encouraged to attend Divine Service.

*Medical Care.*

When bodily illness or accident occurs, or when any marked change is apparent in the mental condition of a patient, the medical officer shall be at once called in and his instructions carefully followed; and, in the event of any act or conduct on a patient's part indicating a possibility of any kind of danger the medical officer must be immediately and fully informed by the guardian of the facts.

*Accidents, Escapes, Etc.*

In addition to calling in medical aid, as required by the preceding direction, they shall immediately report to the inspector of poor, with a view to his intimating the facts to the Board, all serious accidents to patients, all untoward occurrences affecting their well-being, and all cases in which patients have without leave gone away from their guardian's care.

*Visits by Officials.*

They shall carefully keep in a readily accessible place the book in which the local medical officers and the inspectors of poor record their visits, and they shall take care to bring under the notice of these officials all matters which concern the comfort of a patient, or the fitness of a patient for a private dwelling.

NOTE.

*The following is an Extract from the Lunacy Act of* 1857:—

"If any . . . person . . . having the care of any person detained as a lunatic patient under this Act, shall wilfully maltreat, abuse, or neglect any person so detained, to the injury of such person, or if any person detaining or taking, or having the care or charge, or concerned, or taking part in the custody, care, or treatment of any lunatic or person alleged to be a lunatic, in any way abuse, ill-treat, or wilfully neglect such lunatic or alleged lunatic, such . . person shall be guilty of an offence, and for every such offence be liable in a penalty not exceeding £100, or to be imprisoned for any period not exceeding six months."

**[The following is the form of Visiting Book which is kept in Patients' Houses, for Record of Quarterly Visits by Local Medical Officer and Half-yearly Visits by an Inspector of Poor. It is prefaced by the Regulations as to Visitation given in the Board's "Instructions to Inspectors of Poor" (quoted further on) and also by the "Directions to Persons receiving Pauper Patients," as given above.]**

REPORT BY MEDICAL OFFICER.

*To be filled up Quarterly.*

Name of Patient,——
State of Mental Health,——
State of Bodily Health,——
State of House,——
State of Bedding,——
State of Clothing,——
State of Personal Cleanliness,——
Has any Accident, Escape, or other exceptional event occurred since last visit?——
Suggestions and Recommendations,*——

(*Signature*——
(*Date*)——

REPORT BY INSPECTOR OF POOR.

*To be filled up Half-yearly.*

Name of Patient,——
State of House,——
State of Bedding,——
State of Clothing,——
State of Personal Cleanliness,——
Duties of Guardian, if satisfactorily performed, ——
Articles of Clothing, Bedding, etc., required, ——

(*Signature*),——
(*Date*)——

*Recommendations requiring the attention of the inspector of poor should be immediately notified to him by the medical officer.

**[In the case of houses specially licensed to receive more than one patient, the Case Records of Patients in the house are placed inside the following Form, and on the document itself is recorded such special reports with regard to the house and the licensee as could not properly appear upon the Case Records of individual patients as afterwards mentioned. No such general report is used in the case of a house having only one patient.]**

SPECIALLY LICENSED HOUSE No.

*County* *Parish in which situated*
*Specially Licensed House of* - - - - - -
*Address* - - - - - - - - - - -
*Applicant for License* - - - - - - -
*Date when granted* - - - - - - - -
*Number in Register* - - - - - - - -
*Number for which Licensed* - - - - - -

PATIENTS RESIDENT, AND PARISHES OF CHARGEABILITY.

GENERAL REPORTS, MINUTES, ETC.

**[The following is the form of Case Record prepared for every Pauper Patient and preserved in the Office of the Board. The form used for Patients "From Asylum" differs slightly from that used in case of Patients "Not from Asylum" to suit the special circumstances.**

---

Used in the case of Patients removed from Asylums.

*County* *Parish of Residence*

*Name of Patient* - - - - - - - -
*Sex* - - - - - - - - - - -
*Age of Patient in* 190 - - - - - - - -
*Date of Intimation* - - - - - - - - -
*Married or Single?* - - - - - - - - -
*Date of last Admission to Asylum* - - - - - -
*Date of last Removal from Asylum* - - - - - -
*No. of Sanction* - - - - - - - - -
*Parish of Liability* - - - - - - - - -
*Amount of Parochial Allowance* - - - - - -
*Degree of Relationship to the proposed Guardian* - - -
*Name of Guardian* - - - - - - - - -
*Residence of Guardian* - - - - - - - -

COPY STATEMENT BY THE ASYLUM PRINCIPAL MEDICAL OFFICER.

1. Name of Patient - - - - - -
2. Whether Paralytic - - - - - -
3. Whether Epileptic - - - - - -
4. Whether Suicidal - - - - - -
5. Whether Dangerous to others - - - -
6. Whether Violent or Noisy - - - - -
7. Whether refusing Food - - - - -
8. Whether of Uncleanly Habits either by Day or Night
9. Whether offensive to Decency - - - - -
0. Whether capable of helping in Household or other work - - - - - - - - -
11. Facts, if any, as regards the past history of the patient, such as indications of having been previously dangerous, which it is thought should be brought under the notice of those who are to have the charge and supervision of the patient

(Copy Signature)

*Principal Medical Officer.*

Date 190

Used in the case of Patients not removed from Asylums.

*County* *Parish of Residence*

*Name of Patient* - - - - - - - - -
*Sex* - - - - - - - - - - -
*Age of Patient in* 190 - - - - - - - -
*Date of Intimation* - - - - - - - - -
*Married or Single?* - - - - - - - - -
*Ever under Asylum Treatment?* - - - - - -
*Date of last Removal from Asylum* - - - - - -
*No. of Sanction* - - - - - - - - -
*Parish of Liability* - - - - - - - - -
*Amount of Parochial Allowance* - - - - - -
*Degree of Relationship to the proposed Guardian* - - -
*Name of Guardian* - - - - - - - - -
*Residence of Guardian* - - - - - - - -

*Extract from the Statement by the Inspector of Poor on Form D.*

1. Name of Patient - - - - - - -
2. Whether Paralytic - - - - - - -
3. Whether Epileptic - - - - - - -
4. Whether Suicidal - - - - - - -
5. Whether Dangerous to others - - - -
6. Whether Violent or Noisy - - - - -
7. Whether refusing Food - - - - - -
8. Whether of Uncleanly Habits either by Day or Night
9. Whether offensive to Decency - - - -
10. Whether known to be a Parent - - - -
11. Whether capable of helping in Household or other work - - - - - - - - - -

Date

*Extracts from Medical Certificates.*

[*Here follows all Reports of visits to the patient by Commissioners or Deputy Commissioners, all minutes, Interviews, and a Précis of all Correspondence regarding the Patient.*]

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**[The following Forms applicable to Private Patients correspond generally,** *mutatis mutandis*, **to those used for Pauper Patients.]**

[FORM F 2.]

FORM OF APPLICATION TO THE GENERAL BOARD OF LUNACY TO SANCTION THE RECEPTION OF A PRIVATE PATIENT INTO A PRIVATE DWELLING, SPECIALLY LICENSED OR OTHERWISE.

As it appears from the subjoined Statement and accompanying Medical Certificate, that is of unsound mind, and a proper person for residence in a Private Dwelling, May it please your Honourable Board to sanction being placed under the care of at in the Parish of

(*Signature*) (1)———————————————

(*Designation and Residence*) ———————————————

Dated at this day of One thousand nine hundred and

(1) To be signed by the nearest relative or other person occupying a responsible position towards the patient, other than the person under whose care the patient is proposed to be placed.

---

STATEMENT

*Referred to in the foregoing Application.*

1. Christian Name and Surname of Patient at length -
2. Age - - - - - - - - - - - - -
3. Length of time Insane - - - - - - -
4. Whether ever under Treatment in an Asylum, and where - - - - - - - - -
5. Christian Name and Surname, and place of Abode, of nearest known Relative of the Patient, and Degree of Relationship - - - - - -
6. Degree of Relationship (if any) to the person with whom it is proposed to place the Patient - - -
7. Name and Address of Curator Bonis, if Patient's Estate is under Curatory - - - - -

MEDICAL CERTIFICATE.

(2) When the patient is to be placed in the house of a medical man, this certificate should be signed by another practitioner.

I, the undersigned (2) being a registered Medical Practitioner, and in actual practice do hereby certify, on soul and conscience, that I have this day at in the County of visited and personally examined and that the said is of unsound mind and a proper Person to reside in a Private Dwelling under Care and Treatment, and that I have formed this opinion upon the following grounds, viz.:—

1. Facts indicating Insanity observed by myself:
2. Other facts indicating Insanity communicated to me by others:
3. Facts indicating that the Patient may properly be placed in a Private Dwelling:

And I further certify that, in my opinion, the circumstances in which the Patient will be placed, are suitable for proper care and treatment.

(*Name and Medical Designation*) _____

(*Place of abode*) _____

Dated this day of One thousand nine hundred and

*Any further particulars which the Medical Man may consider it proper to bring under the notice of the Board may be here stated.*

## [Directions to Guardians of Private Patients.]

DIRECTIONS TO PERSONS RECEIVING PRIVATE PATIENTS INTO PRIVATE DWELLINGS WITH THE SANCTION OF THE GENERAL BOARD OF COMMISSIONERS IN LUNACY.

*Bedding and Sleeping Rooms.*

Guardians shall see that the sleeping room occupied by a Patient is well ventilated, that the bed is comfortable, and that the bed coverings are suitable and sufficient for the season of the year. Male patients shall occupy separate beds. Two female patients shall only share the same bed if their habits are such as not to make that arrangement undesirable, and if they both share the same bed willingly. In such cases a bed must always be available in the house to meet cases of illness.

*Clothing.*

They shall take care that every Patient is furnished with at least one full change of clothing, and they shall keep all articles of clothing clean and in good repair.

*Cleanliness.*

The Guardians or Nurses shall attend strictly to the personal cleanliness of every Patient under their care.

*Food.*

The food must always be sufficient in quantity, of good quality, carefully cooked, and neatly served.

*Occupation.*

The Guardians shall do all they can to get Patients to employ themselves in occupations suited to their habits and ability. It is desirable that every Patient who is fit for it should have outdoor exercise every day when the weather is suitable, and that they should be encouraged, as far as possible, to attend Divine Service.

*General Treatment.**

They shall, as much as possible, treat the Patients as members of their own families, and shall do all that they can to protect them from harm, and to improve their health and increase their happiness. Guardians must clearly understand that punishment of any kind or mechanical restraint in any form is absolutely forbidden.

*Medical Care.*

In the event of bodily illness or accident, or of any marked change being apparent in the mental condition of a Patient, the local Medical Visitor should at once be called in, and his instructions must be carefully followed.

*Accidents, &c.*

In addition to calling in medical aid, as required by the preceding Direction, the Guardians shall immediately report to the General Board all serious accidents to Patients or other untoward occurrences gravely affecting their well-being.

*Visits by Officials.*

They shall carefully keep in a readily accessible place the Book in which the local Medical Visitor records his visits, and they shall take care to bring under the notice of that official, and of the Visiting Commissioner, any matter or occurrence which concerns the well-being and comfort of a Patient, or the suitability of a Patient for treatment in a Private Dwelling.

NOTE.*

*The following is an Extract from the Lunacy Act of* 1857:—

"If any . . . person . . . having the care of any person detained as a lunatic patient under this Act, shall wilfully maltreat, abuse, or neglect any person so detained, to the injury of such person, or if any person detaining or taking, or having the care or charge, or concerned, or taking part in the custody, care, or treatment of any lunatic or person alleged to be a lunatic, in any way abuse, ill-treat, or wilfully neglect such lunatic or alleged lunatic, such . . . person shall be guilty of an offence, and for every such offence be liable in a penalty not exceeding one hundred pounds, or to be imprisoned for any period not exceeding six months."

## [Form of Visiting Book kept in houses of Private Patients.]

SECTION 13 OF THE ACT 29 AND 30 VICT. CAP. 51.

"NO PERSON shall receive or keep any person as a Lunatic for gain without the Order of the Sheriff or the Sanction of the Board; and any person who shall receive or keep in his house any such person, or any person alleged to be a Lunatic, shall, within fourteen clear days thereafter, make application for such Order or Sanction: Provided always, that when the Lunatic is a Pauper Lunatic such application shall be made by the Inspector of the Poor, and it shall be lawful in such case for the Sheriff to grant his Order on one Medical Certificate: and every such Lunatic shall be visited, as often as the Board shall regulate, by a Medical person, who shall enter in a Book to be kept in such house the date of each visit, and the condition of the mental and bodily health of the Lunatic at each such visit; and any Medical person who shall make any such entry without having visited the Patient within seven days of making such entry, or who shall knowingly make any

false entry in such Book, shall be liable in a Penalty not exceeding Ten Pounds for each offence: and it shall be in the power of the Board to order such inspection and visitation of every such house from time to time as to them shall seem proper: and every person detaining or aiding in detaining any such Lunatic, or any person who on inquiry is found to be a Lunatic without the Order of the Sheriff or Sanction of the Board, or after such Order or Sanction has been withdrawn, shall be liable in a Penalty not exceeding Twenty Pounds."

*Visits at intervals of about months (irrespective of such visits as may be necessary in consequence of bodily ill-health or changes of mental state) are required by the General Board of Lunacy to be paid by the Medical Attendant during each year in the case of*

Name of Patient - - - - - - - - -
State of Mental Health - - - - - - - -
State of Bodily Health - - - - - - - -
Are the circumstances in which the Patient is placed suitable for the promotion of comfort and the carrying out of medical treatment? - - -
Does the provision made for the Patient fairly correspond to the rate of board paid? - - - - -
Suggestions which seem likely to be useful - - - -
*Signature*
*Date*

*N.B.*—Unless the particulars enumerated above are severally noted at each visit, the General Board of Lunacy will not regard the conditions on which their sanction has been granted as having been fulfilled. If the patient on account of accident or illness receives more frequent visitation than is prescribed by the Board it is required that such visitation shall be noted in this book.

---

**[Forms used for Liberation of Patients on Trial or Probation, and applicable alike to Private and Pauper Patients. Period—exceeding 28 days, but not to exceed one year.]**

[FORM G.

25 and 26 *Vict. Cap.* 54, *Sect.* 16.

APPLICATION TO GENERAL BOARD OF LUNACY TO SANCTION THE LIBERATION ON TRIAL OR PROBATION OF A LUNATIC.

I, the undersigned, hereby request the Sanction of the General Board of Lunacy for the Liberation on Trial of

at present a Patient in Asylum, and (1)

for a period of (2) ; and I subjoin a Statement of Particulars regarding the circumstances in which it is proposed to place the said Patient, and a Medical Certificate with respect to the Patient's mental and bodily condition; and I undertake, on or before the expiry of the said period, to replace the patient in the Asylum, if necessary, or to transmit to the Board, and to the Superintendent of the Asylum, a report of the mental state of the Patient, and a notice of the manner of the Patient's disposal; and in all other respects to comply with the Rules of the Board.

*Signature,* _____
*Address of Applicant, if Patient is a Private Patient or Parish of Chargeability, if a Pauper,* _____
*Date,* _____

(1) *If Lunatic is not a Pauper*: insert "detained at my instance, *or* whose nearest known Relative I am." *If Lunatic is a Pauper*: insert "a Pauper Lunatic of the Parish of ."

(2) State period, which must not exceed twelve months.

STATEMENT.

1. Christian Name and Surname of Patient - - -
2. Sex and Age - - - - - - - - -
3. Date of Admission into Asylum - - - - -
4. Name and Address of the person with whom Patient is to be placed - - - - - - - -
5. Parish in which proposed residence is situated - -
6. Nature and weekly amount of Parochial Relief, not including Clothing - - - - - - -
7. Whether previously under care in a private dwelling as a certified Lunatic reported to the Board; when and where? - - - - - - - - -
8. Whether there is any other Lunatic in the house, and if so, Name and Parish of chargeability - -

MEDICAL CERTIFICATE.

I, the undersigned, being the Medical Superintendent of the (1) have this day seen and personally examined the Patient named in the above Application, and hereby report and certify, with respect to the Patient's mental state, that (2)
and with respect to the Patient's bodily health and condition, that (3)

And I further certify that I consider the said Patient to be suitable for being liberated on trial for a period of (4) _____

Dated this day of One thousand nine hundred and .

(1) Name Asylum.
(2) Insert Particulars.
(3) Insert Particulars.
(4) State Period, which must not exceed twelve months.

NOTE.—The Sanction of the Board when granted will be forwarded to the Asylum Superintendent as his authority for the liberation of the Patient.

## SANCTION BY THE GENERAL BOARD OF LUNACY FOR LIBERATION OF A PATIENT ON TRIAL.

AN Application having been made to the GENERAL BOARD OF COMMISSIONERS IN LUNACY, and having been duly considered, for the Liberation on Trial of a Patient in together with the accompanying Statement and Medical Certificate, I hereby, by AUTHORITY OF THE BOARD, sanction the liberation of the said Patient until 190 .

*Commissioner in Lunacy.*

Dated at Edinburgh, this day of One thousand nine hundred and

Notices to be sent by Superintendents in connection with Probationary Sanctions:—

(1) Notice of Patient leaving Asylum.
(2) Notice of Patient returning to Asylum, if replaced.
(3) Notice of any Sanction not acted on.

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## [Circular sent in Pauper cases near close of Probationary Period.]

PAUPER PATIENTS ON PROBATION.

*(Please quote) Probation No.*

General Board of Lunacy for Scotland,
Edinburgh, 190 .

SIR,—With reference to the liberation on trial of

I beg to point out that it will be necessary, before the when the period of probation expires, in the event of the patient not being replaced in the Asylum, *to transmit to the Board a Medical Certificate, to the effect either that the patient* (1) *is recovered, or* (2) *is still of unsound mind.** If recovery has not taken place, the certificate must further state whether asylum treatment is or is not necessary, and you must inform the Board of the manner in which the patient has been disposed of, and state whether the patient has been, or is to be, removed from the Poor Roll.

If the patient has not recovered, and if it is proposed to continue out door parochial relief, the certificate should be inserted upon the form attached to Form D, and application on that Form—which in probationary cases requires to be accompanied by this *one* certificate only—must be made for the sanction of the Board to the disposal of the patient in a private dwelling.

You are equested to notify also to the Superintendent of the Asylum in what mental state the patient remains, and the manner of disposal. I am, sir,

Your obedient Servant,
T. W. L. SPENCE,
*Secretary.*

To the
Inspector of Poor
of

* *Note.*—Care should be taken to avoid describing the patient's mental state in terms, such as "so far recovered," which leave room for doubt as to whether the patient is to be regarded as sane or insane. The manner of legal disposal of the patient in many cases depends upon whether he is certified to be sane or insane. A definite statement on the point is therefore often indispensable, and the absence of it may necessitate a further certificate being called for.

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## [Circular sent in Private Cases near close of Probationary Period.]

PRIVATE PATIENTS ON PROBATION.

*(Please quote) Probation No.*

General Board of Lunacy for Scotland,
Edinburgh, 190 .

With reference to the liberation on trial of . I beg to point out that it will be necessary, before the when the period of probation expires, *to replace h in the Asylum from which he was removed, or to transmit to the Board a Medical Certificate, to the effect either* (1) *that the patient is recovered, or* (2) *that he is still of unsound mind.* In the latter case the certificate must further state that Asylum treatment is no longer necessary; and notice must be given of the manner in which the patient has been disposed of

An application to the Board on form F 2, which will be supplied here on request, is necessary in the case of a non-recovered patient in a private dwelling *who is kept for profit or for whom the board is paid.*

You are requested to notify also to the Superintendent of the Asylum in what mental state the patient remains, and the manner of disposal. I am,

Your obedient Servant,
T. W. L. SPENCE,
*Secretary.*

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[*Rules for Liberation of Patients on Probation will be found further on under "Instructions to Inspectors of Poor."*]

**[Forms of Application for Special Licences—Private and Pauper—and of Licence (same form for each class) when more than one Insane Person is received into a Private Dwelling.]**

25 & 26 *Vict. Cap.* 54, *Sect.* 5. [F.]

APPLICATION FOR SPECIAL LICENCE TO OCCUPIER OF HOUSE FOR RECEPTION OF PAUPER LUNATICS NOT EXCEEDING FOUR IN NUMBER.

I, the undersigned, Inspector of Poor of the Parish of in the County of , hereby make application to the General Board of Commissioners in Lunacy for Scotland for a Special Licence for the House occupied by at in the Parish of for the reception and detention of not more than four Pauper Lunatics; and I subjoin a statement of Particulars, and a Certificate by a Medical Practitioner, as to the capabilities of the said House; and I certify that, to the best of my knowledge and belief, the said is of good moral character, and a proper person to be entrusted with the care of patients.

(*Signature of Inspector*)———————

Dated at the day of One thousand nine hundred and

STATEMENT.

1. Locality of house - - - - - - - -
2. Full Christian name, surname, and occupation of occupier - - - - - - - - -
3. Number of rooms in house which have windows -
4. Size of room or rooms which are to be given up to patients - - - - - - - - -
5. Position in the house of the room or rooms to be set apart for the patients (1) - - - - -
6. Number of sane inmates, distinguishing children,
7. Number, sex, and age of sane boarders or lodgers, if any of the sane inmates are such - - -
8. Total number of patients whom it is proposed to accommodate (2) - - - - - -
9. Is a separate bed provided for each patient ?
10. If occupier has at present charge of a patient, or has had such charge at any former time, state patient's name and parish - - - - - - -
11. Distance from house of medical officer - - -
12. Distance from house of inspector of poor - -

CERTIFICATE BY A MEDICAL MAN.

I, the undersigned (3)
hereby certify, on soul and conscience, that I have within the last fourteen days carefully examined the House occupied by at ;
that it stands in a healthy situation, is in good repair, and will afford comfortable and appropriate accommodation for Pauper Lunatics, who are not dangerous, and do not require Asylum treatment. And I further certify that, to the best of my knowledge and belief,
is a proper person to be intrusted with the care of such Patients.

(*Signature*)———————

Dated at the day of One thousand nine hundred and

(1) The position of the room or rooms should be given in such a way as to make it possible to determine, when the house is being visited, whether the patients are occupying the room or rooms designed for their use when the licence was given.

(2) The Board will not grant a special licence for more than *Two* Pauper Lunatics except on the recommendation of a Commissioner or Deputy-Commissioner.

(3) State medical qualification.

[Form F 3.]

FORM OF APPLICATION FOR SPECIAL LICENCE FOR HOUSES FOR THE RECEPTION OF PRIVATE PATIENTS NOT EXCEEDING FOUR IN NUMBER.

I, the undersigned occupier of the house situated at , in the parish of and county of , hereby make application to the General Board of Commissioners in Lunacy for Scotland, for a Special License for the reception and detention, within the said house, of not more than four Lunatics, all of whom shall be maintained from private funds; and I subjoin a Statement of Particulars, and a Certificate by a Medical Practitioner, as to the capabilities of the said house.

(*Signature*)———————

## STATEMENT OF PARTICULARS.

1. Locality of house - - - - - - - - -
2. Name and occupation of occupier - - - -
3. Number and size of rooms - - - - - -
4. Number of sane inmates, distinguishing children - -
5. Number and sex of patients whom it is proposed to receive - - - - - - - - - -

(*Signature*)_____

Dated at this day of One thousand eight hundred and

## CERTIFICATE BY A MEDICAL MAN.

I, the undersigned (1) , hereby certify on soul and conscience, that I have within the last fourteen days carefully examined the house occupied by at : that it stands in a healthy situation, is in good repair, and will afford comfortable and appropriate accommodation for Lunatics, who are not dangerous, and do not require Asylum treatment. And I further certify that, to the best of my knowledge and belief, is a proper person to be entrusted with the care of such Patients.

(*Signature*)_____

Dated at this day of One thousand eight hundred and

(1) State medical qualification.

*25 & 26 Vict. Cap. 54, Sect. 5.*

## SPECIAL LICENCE BY THE COMMISSIONERS IN LUNACY FOR THE RECEPTION INTO A PRIVATE DWELLING OF NOT MORE THAN FOUR LUNATICS.

By authority of the General Board of Commissioners in Lunacy for Scotland, I hereby certify that the Board have considered and approved of the Application of for a Special License to place Lunatics in a house situated at in the parish of and that they authorise and empower to use and employ the said house and premises for the reception of Lunatics, until this Licence is renounced or recalled.

Given at Edinburgh, this day of One thousand nine hundred and

*Secretary.*

**[The following Certificate of Temporary Residence does not in any case require to be sent or communicated to Board.]**

*20 & 21 Vict. Cap. 71, Sect. XLI., and 29 & 30 Vict. Cap. 51, Sect. XIII.*

I, a Medical Person duly qualified in terms of the Act 21 and 22 Vict. Cap. 90, certify on Soul and Conscience that (1) is afflicted with (2) ,but that the Malady is not confirmed, and that I consider it expedient, with a view to recovery, that should be placed in (3) for a temporary residence of (4) months.

*Name and Medical Designation,*_____

*Place of Abode,*_____

Dated this day of One thousand nine hundred and

1 Name and design the Patient.
2 State the nature of the Disease.
3 Specify the House in which the Patient is to be kept.
4 Specify a time, not exceeding Six Months.

**[Regulations by the Board with regard to the reception of Private Patients into Private Dwellings.]**

Provisions of the Statute and Regulations by the General Board of Lunacy Regarding the Accommodation in Private Dwellings of Insane Patients maintained out of Private Funds.

*20 & 21 Vict. Cap. 71, Sect. 9, and 29 & 30 Vict. Cap. 51, Sect. 18.*

*Definition of a "Lunatic."*

Section 1, 25 & 26 Vict. Cap. 54

I. The term "lunatic" is defined by statute to include every person certified by two medical persons to be a "lunatic," an "insane person," an "idiot," or a "person of unsound mind."

*Insane Persons living with Relatives or others who are not Remunerated for keeping them.*

Section 13, 29 & 30 Vict. Cap. 51

II. A person of unsound mind, living with relatives or others *who receive no remuneration for the patient's maintenance,* may reside in a private dwelling without an order of the sheriff or the sanction of the Board

Section 14, 29 & 30 Vict. Cap. 51

But if the patient's mental derangement has endured for a period of one year, and is of such a nature as to require compulsory confinement to the house, or restraint or coercion of any kind, the occupier of the house shall report the facts to the Board, and shall state the reasons which render it desirable that the patients should remain under private care.

*Temporary Residence of Patients in Private Dwellings.*

Section 13, 29 & 30 Vict. Cap. 51; and Section 41, 20 & 21 Vict. Cap. 71.

III. A person suffering from incipient or transitory mental disorder may be temporary received, and kept for profit, in any private dwelling, without an order of the sheriff or the sanction of the Board. But such temporary residence shall not exceed a period of six months, and the occupier must be authorised to receive the patients under a certificate granted in the subjoined form, copies of which may be obtained from the Board.

> I, *L. M.*, a medical person duly qualified in terms of the Act [*specify the Act*], certify on soul and conscience that *C. D.* [*name and design the patient*] is afflicted [*state the nature of the disease*], but that the malady is not confirmed, and that I consider it expedient, with a view to his recovery, that he should be placed [*specify the house in which the patient is to be kept*] for a temporary residence of [*specify a time, not exceeding six months*].
>
> *Date.*
>
> *Signature and Designation.*
> *Place of Abode.*

*Permanent Residence of Insane Persons in Private Dwellings.*

Section 13, 29 & 30 Vict. Cap. 51.

IV. Authority for the reception and permanent residence in a private dwelling of a person of unsound mind to whom the provisions of the foregoing regulations II. or III. are applicable, who is maintained out of private funds, and for whose maintenance or care the occupier of the house is remunerated, shall be obtained by application to the Board of Lunacy according to a Form (F 2) of which they will supply a copy on request.

Such application is unnecessary if the patient has been received into the house on a sheriff's order; but the fact that such order has been obtained must be intimated to the Board.

The legal penalty for receiving a patient under the circumstances specified in this rule, without an order of the sheriff or the sanction of the Board, is £20.

The following rules in regard to patients received into private dwellings under the authority of the Board or of the sheriff must be carefully observed:—

(1) Notice of the reception, removal, or death, of every patient authorised by the Board or by the sheriff to reside in a private dwelling, must be given to the Board by the occupier of the house within three days after its occurrence; and in case of removal, the patient's mental condition at the time of leaving, and the place to which he has been removed shall be specified.

(2) Every such patient shall be visited as often as the Board may require by a medical man, who shall enter a record of his visit in a visiting book which is supplied by the Board free of charge. The patient will further be visited and reported on by an officer of the Board at such times as they may direct.

(3) Not more than one insane person can be legally received into any private dwelling, unless the occupier hold a special licence granted under the conditions laid down in Regulation VI.

*Patients under Curatory.*

Section 17, 29 & 30 Vict. Cap. 51.

V. (1) Every person to whom a *Curator Bonis* has been appointed by the Court of Session on account of mental imperfection, whether such mental imperfection does or does not amount to lunacy as defined on page 296, is subject to visitation by the officers of the Board as often as may be deemed necessary.

(2) The foregoing Regulations II. and IV. do not apply to all persons who are under curatory on account of mental imperfection, but only to those of them whose mental imperfection amounts to lunacy as defined on page 296.

(3) The Board shall be promptly informed of the change of residence or death of any patient under curatory.

*Private Dwellings with Special Licences.*

Section 5, 25 & 26 Vict. Cap. 54.

VI. Not more than one insane person can be legally received into a private dwelling unless its occupier hold a special licence from the Board for the reception of a number not exceeding four patients. This licence is granted free of charge under the following conditions:—

(1) Application for the licence shall be made by the occupier of the house according to a Form (F 3) which is supplied by the Board.

(2) All the provisions of Regulation IV. applicable to private dwellings not specially licensed, as to obtaining the Board's sanction for the residence of patients, and as to intimating their reception, removal, or death, and providing for their regular medical visitation, shall be equally applicable to those private dwellings which are specially licensed.

(3) The obtaining of a sheriff's order for the reception of a patient into a specially licensed private dwelling does not obviate the necessity for the Board's sanction being obtained in the usual way.

(4) Notice of the admission and departure of every boarder, *not being a lunatic*, who is received into a specially licensed private dwelling shall be given to the Board within three days as in the case of a lunatic.

(5) Special licences may at any time be cancelled by the Board for any reason which they shall deem sufficient.

General Board of Lunacy,
Edinburgh, *3rd February*, 1880.

*Approved,*
J. Don-Wauchope,
*Chairman of the Board.*

## APPENDIX.

The following are the forms referred to in the foregoing regulations. They are supplied free of charge on application at the office of the Board, 51, Queen Street, Edinburgh:—

(F 2) Application to the Board for their sanction to the residence of a private patient in a private dwelling—specially licensed or otherwise.

(F 3) Application to the Board for a special licence for the reception of more than one and not more than four private patients into a private dwelling.

Form of medical certificate authorising the residence of a patient in a private dwelling for a period not exceeding six months.

Medical attendant's visiting book for a private patient in a private dwelling.

# INSTRUCTIONS TO INSPECTORS OF POOR ISSUED BY THE BOARD FROM TIME TO TIME. LAST ISSUE IN 1895.]

## PAUPER LUNATICS.

INSTRUCTIONS FOR THE GUIDANCE OF INSPECTORS OF THE POOR IN THE DISPOSAL AND MANAGEMENT OF PAUPER LUNATICS, PREPARED BY THE GENERAL BOARD OF COMMISSIONERS IN LUNACY FOR SCOTLAND.

1895.

*Persons Legally Recognised as Pauper Lunatics.*

Intimation and Disposal of Pauper Lunatics.

1. The term "lunatic" is defined by the statute to include every person certified by two registered medical practitioners to be a lunatic, an insane person, an idiot, or a person of unsound mind.

Definition of "Pauper Lunatic."

A "pauper lunatic" is any lunatic on whose behalf any allowance or assistance is granted by any parish council, whether such lunatic be a pauper, or be a dependant.

*Duty of Inspectors of Poor to intimate all Pauper Lunatics.*

Duty of Inspector in regard to ascertaining Lunacy, and intimating Pauper Lunatics. Intimation and Disposal of Pauper Lunatics.

2. If an inspector of poor has reason to think that any pauper within his parish, or any person with whom he is called upon to deal, not being already a certified lunatic, s an insane person, an idiot, or a person of unsound mind, it will be his duty to obtain a certificate as to the person's mental state from a registered medical practitioner, and to be guided by what is said therein as to whether a second medical certificate should be obtained, with a view to the person being intimated and provided for as a pauper lunatic.

If such person is duly certified to be a lunatic, the inspector of poor shall within seven days, under a statutory penalty of £10 in case of failure, notify the fact to the chairman of the parish council, and shall, also within the same period, intimate to the Secretary of the General Board of Lunacy (hereinafter called the Board) the name and residence of the pauper lunatic, and such further particulars as may be called for according to Form I 1 (*see* specimens of forms at page 283 *post*). The inspector of poor should make a like notification and intimation in the case of any private lunatic in an asylum becoming chargeable as a pauper to the parish of which he in inspector.*

Lunatics alleged to be Dangerous or Offensive to Public Decency and

3. Inspectors of poor may deal with insane persons, under Section 15 of the Act, 25 & 26 Vict., c. 54, on the ground that they are dangerous to themselves or others, or are offensive to public decency. For the duty of inspectors in such cases, or in the case of insane persons whose right to parochial relief is doubtful, see Minute of the Local Government Board (then Board of Supervision) of 16th December, 1869, at page 119 of that Board's "Rules, Instructions, and Recommendations" (1890).

Cases of Doubtful Pauperism.

4. Whenever an intimated pauper lunatic of any parish becomes chargeable to any other parish, notice of transference of liability shall be sent to the Board on Form I., both by the inspector of poor of the parish by which liability is admitted, and by the inspector of poor of the parish which has ceased to be liable.

Inspector to Intimate Transference of Liability.

*Ways in which Pauper Lunatics may be provided for.*

5. The inspector of poor shall, within twenty-one days after intimation of a pauper lunatic has been made to the Board, provide for his care in one or other of the following ways:—

(*a*) By removing him to an asylum, under the procedure set forth in Rules 8–10; *or*

By Removal to an Asylum.

(*b*) By removing him to the lunatic wards of a Poorhouse licensed for inoffensive and incurable patients, under the procedure set forth in Rule 11; *or*

By Removal to the Lunatic Wards of a Poorhouse.

(*c*) By removing him to an institution for the training of imbecile children, under the procedure set forth in Rule 12; *or*

By Removal to a Training School for Imbecile Children.

(*d*) By placing him in a private dwelling with the sanction of the Board, under the procedure and subject to the conditions set forth in Rules 31–41.

By Residence in a Private Dwelling.

6. In the event of the inspector of poor failing to provide for the patient's care in one or other of the methods above mentioned within twenty-one days after being required to do so by the Board, removal to an asylum may be carried out by the Board at the expense of the parish.

Board may remove Lunatic to Asylum, if Inspector fails.

7. If the relatives of a pauper lunatic, whose removal to an establishment for the insane it is desired to carry out, refuse to permit such removal, the inspector shall report the case immediately to the parish council for instructions how to proceed.

Refusal of Relatives to permit Removal.

* In such a case the names of the medical men who certified insanity may be omitted from Form I 1.

Pauper Lunatics in Establishments.

*Procedure to be followed in removing a Pauper Lunatic to an Asylum.*

The Asylum to be that of the Lunatic's District or Parish.

8. The asylum to which the lunatic is removed shall be that of the district in which his parish of settlement is situated; or, if there is no district asylum, such other asylum as may take the place of a district asylum under agreements and arrangements having the sanction of the Board. On special application the Board may, under exceptional circumstances, sanction the residence of a pauper lunatic in an asylum other than that of his district or parish.

Removal of Female Patients to and from Asylums.

With regard to the removal of female patients to and from asylums, see Appendix C, page 303 *post*.

Assistance of Constabulary in removing Dangerous Lunatics.

With regard to obtaining the assistance of the constabulary in removing to asylums lunatics who are dangerous, see Appendix C, page 303 *post*.

When Lunatic is not in his Parish of Settlement.

9. In the case of a pauper lunatic being within a parish which is admittedly not the parish of settlement, and being in a state requiring immediate removal to an asylum, the inspector of poor of such parish may either remove the lunatic temporarily to the asylum of the lunacy district in which such parish is situated, or, with the concurrence of the inspector of the parish of settlement, directly to the asylum of the lunacy district to which the parish of settlement belongs.

Directions to be observed in obtaining a Sheriff's Order.

10. Pauper lunatics are admitted into asylums on the sheriff's order, which is granted on the petition of the inspector of poor, on Form A. (see specimens of Forms at page 304a *post et seq.*). In filling up this Form the marginal directions on it should be carefully read and strictly adhered to. The following points must also be borne in mind:—

What Sheriffs may grant Orders in individual cases.

(*a*) The sheriff granting the order may be either (1) the sheriff of the county in which the lunatic is resident or is found; or (2) the sheriff of the county in which the asylum is situated.

Dates of Medical Certificates and Petition.

(*b*) The dates of the medical certificates must *be earlier than* the date of the petition, but not by more than fourteen days.

Who may Certify.

(*c*) One of the certifiers may be the medical superintendent, or consulting or assistant physician of the asylum in which the pauper lunatic is to be placed, privided it be not a private asylum. The certifiers must be registered medical men in actual practice.

Period within which Order must be acted on.

(*d*) The admission of the patient to the asylum must take place within fourteen days of the date of the sheriff's order, unless it has been granted by the Sheriff of Orkney or Shetland, in which case twenty-one days are allowed.

Temporary Detention under a Certificate of Emergency.

(*e*) A lunatic whose case is certified by any registered medical practitioner to be one of emergency, may, without any order by the sheriff, be received into an asylum for a period not exceeding three days from the time of his being brought to it. The document on which the patient is received should, however, show at whose instance the patient is sent to the asylum, and this should be indicated by the inspector of poor previously filling up and signing the request for reception attached to Form A.

Fee for Order.

(*f*) For every order granted by the sheriff for the admission of a pauper lunatic into any royal or district asylum, a fee of two shillings and sixpence is payable to the sheriff-clerk for the general purposes of the Lunacy Act. No fee is payable for a sheriff's order for admission of a patient to a parochial asylum.

*Procedure for placing a Pauper Lunatic in the Lunatic Wards of a Poorhouse with a Restricted Licence.*

Admission of Lunatics to Lunatic Wards of Poorhouses.

11. Pauper lunatics who are both harmless and incapable of deriving benefit from treatment in an asylum are admitted into lunatic wards of poorhouses licensed solely for the reception of such patients, by sanction of the Board granted on the petition of the inspector of poor, according to Form C. (see specimens of Forms at page 304d *post et seq.*). The certificate of insanity attached to the Form must not be signed by the medical attendant of the lunatic wards of the poorhouse in which it is proposed to place the patient; and the application must be accompanied by a *second* certificate of insanity, unless the patient is already a duly certified and intimated lunatic when application is made.

*Procedure for placing a Pauper Child of unsound Mind in a Training School for Imbecile Children.*

Admission of Children to Training Schools for Imbeciles.

12. Pauper children of unsound mind, who are capable of deriving benefit from training and treatment in training schools for imbecile children, are admitted into such institutions by sanction of the Board granted on application by the inspector of poor, accompanied by two medical certificates according to Form M, except in the case of a child transferred from an asylum, when *one* certificate will suffice. (See specimens of Forms at page 304f *post et seq.*).

*Liberation, or Removal from the Poor-Roll, of Pauper Lunatics in Establishments for the Insane.*

Liberation of Recovered Lunatics.

13. When a pauper lunatic has recovered it is the duty of the superintendent of the establishment to discharge him.

Notwithstanding that recovery has taken place, it is desirable that a patient on being discharged should be handed over to the care of a friend or some suitable person, who will conduct him safely to his destination. Inspectors of poor should, therefore, whenever requested by the superintendent, make arrangements for removing such patients in safety to their homes, or to such other place as will afford due protection, and should, when practicable, enable them to resume their usual work under favourable conditions. A female patient when removed from an asylum must be accompanied by a person of her own sex. (See Appendix C, page 303 *post*).

Liberation by Parish Councils of Unrecovered Lunatics, without removal from the Poor Roll.

14. A pauper lunatic who has not recovered, not being a dangerous lunatic committed at the instance of the procurator-fiscal, may be removed from any establishment for the insane and placed in a private dwelling as an outdoor patient, by a minute agreed to at a duly constituted meeting of the parish council chargeable with his maintenance, or of a committee thereof having due authority. On a copy of such minute, certified as correct by the chairman for the time of the parish council, being produced to, and left with, the superintendent of the establishment, such lunatic shall be discharged within seven days, unless the superintendent shall state in writing that in his opinion the patient is dangerous to himself or the public, or in any other way not a fit person to be discharged; and in that case he shall not be removed by the inspector without the sanction of the board. (See Section 9, 29 and 30 Vict. cap. 51.)

Removal from Poor Roll by Parish Councils of Unrecovered Lunatics in Establishments.

15. An unrecovered pauper lunatic in any establishment for the Insane, not being detained therein as dangerous at the instance of the procurator-fiscal, may, by a minute granted at a duly constituted meeting of the parish council, or committee thereof having due authority, be removed from the Poor-roll and entrusted to the disposal of any party who shall produce sufficient evidence that he will provide in a manner satisfactory to the parish council for the patient's care and treatment. But no lunatic who has thus been taken off the Poor Roll can be removed against the written representation of the superintendent that such removal would prove injurious to the lunatic or a risk to the public, except by the authority of the Board; and if his discharge is not so authorised, the parish council shall, failing the establishment by them of legal obligations for his support without parochial aid, continue to be responsible to the institution for the cost of his maintenance. (See Section 11, 29 and 30 Vict. cap 51.)

Procedure following Liberation of Unrecovered Lunatics.

16. Whenever, as described in either of the two foregoing rules, an unrecovered pauper lunatic has been removed by a minute of the parish council, either from an establishment for the insane, or from the Poor-roll, the inspector of poor shall, within fourteen days, intimate the fact to the Board, on Form H 4 or I, as the case may require. (See Appendix C, page 303 *post*). If, after a patient is discharged, notice is not received from the inspector of poor of the patient's removal from the Poor Roll, the Board will transmit a schedule to be filled up by the inspector; and if the patient has not been, or is not forthwith to be, removed from the Poor-roll, the inspector must fill up the statement of particulars and the Application attached to the schedule sent, with a view to obtaining the Board's sanction to the arrangements which have been made for the patient's care. In such cases no medical certificate is required to accompany the application.

**Liberation of Unrecovered Lunatics detained at the instance of the Procurator-Fiscal.**

17. For the liberation of an unrecovered pauper lunatic detained as dangerous at the instance of the procurator-fiscal, application must be made to the sheriff on certificates signed by two medical persons approved of by the procurator-fiscal, bearing that such lunatic may be discharged without risk of injury to the public or to the lunatic; and if the lunatic is liberated, the inspector shall give intimation to the board, as directed in the foregoing rule. (See Section 19, 29 & 30 Vict. cap. 51.)

**Superintendents may initiate discharge of Unrecovered Lunatics.**

18. Section 17 of the Act 25 & 26 Vict. cap. 54, provides that if the superintendent of any establishment for the insane is of opinion that any pauper lunatic detained therein is so far recovered that he may be liberated without risk of injury to the public, or to the lunatic, he shall grant a certificate to that effect, or shall procure one from the medical officer of the establishment, and shall transmit a copy to the inspector of poor of the parish to which the lunatic is chargeable; and if the inspector fails within fourteen days from the despatch of such certificate to take steps for the liberation of the lunatic, the superintendent shall intimate the facts to the board, who may make inquiry into the circumstances, and, if they think proper, order the lunatic to be discharged. A pauper lunatic discharged under the provisions of this section must be dealt with as an unrecovered lunatic, and the regulations as to his disposal must be observed as in the case of a lunatic removed by minute of a parish council (see Rule 16).

**Liberation of Unrecovered Lunatics in consequence of exclusion from the Annual Certificate by Superintendent.**

19. Under Section VII. of the Act 29 & 30 Vict. cap. 51, superintendents are required to certify, at every 1st January, occurring after the expiry of three years from the date on which the order of the sheriff was granted for a patient's reception and detention in an asylum, that his further detention is necessary and proper for his welfare or for the public safety; and in the event of a pauper lunatic being excluded from this certificate, and being liberated as a consequence of his exclusion, the regulations as to his disposal must be observed as in the case of a lunatic discharged by a minute of the parish council (see Rule 16).

*Removal on Probation of Pauper Lunatics in Establishments for the Insane.*

**Form of Application for Probationary Discharge.**

20. Application for the sanction of the board to the discharge of patients on probation shall be made according to Form G. (see specimens of forms at page 293 *post*); but no patient sent to an asylum at the instance of the procurator-fiscal shall be liberated on probation without the observance of the statutory requirements applicable to such cases. The period of probation cannot exceed twelve months.

**Visitation, care, and treatment of Pauper Lunatics on Probation.**

21. Pauper lunatics discharged on probation shall, unless the board, on special application, regulate otherwise, be visited once in every three months, by a medical man appointed by the parish council, and once in every six months by the inspector of poor,* who shall record their visits in the "Visiting Book for Pauper Patients in Private Dwellings"; and during the period of probation such patients remain subject to visitation by the Commissioners and generally to the board's instructions applicable to patients sanctioned to reside permanently in private dwellings (see Rules 31–41).

**Pauper Lunatics on Probation not to be removed from Poor Roll.**

22. Though pauper lunatics on probation may require no parochial aid during the currency of the probationary period, they cannot during that time be removed from the Poor-roll, unless certified recovered, nor can any of the conditions on which sanction was granted be altered, without the sanction of the board.

**Unsuitable Patients to be sent back to Asylum.**

23. On the order of the Board, or on an entry being made by the medical officer in the visiting book that the patient has ceased to be suitable for remaining out on probation, the inspector shall, within fourteen days thereafter, remove him back to the asylum, and send notice to the Board that this has been done; and when for any reason it is deemed necessary to send the patient back to the asylum, the superintendent is bound to receive him on the simple demand for admission, provided the period of probation is still current.

**Procedure when period of Probation is about to expire.**

24. Before the period of probation expires, notice must be given to the Board that the patient is to be replaced in an asylum, *or* a medical certificate must be transmitted to the effect, either (1) that the patient is recovered, or (2) that he is still of unsound mind. If the patient is of unsound mind and continues in the receipt of parochial relief, the certificate should be given according to form D.; and application according to that form—which in probationary cases need only be accompanied by this *one* certificate—must be made to the Board for their sanction to the manner in which the patient is to be provided for. If the patient is no longer to receive parochial relief the fact should be stated. The superintendent of the asylum from which the patient has been removed should also, in all cases, be informed as to the patient's mental condition at the close of the period of probation.

**Death of Patient while on Probation.**

25. In the event of the death of a patient taking place during the currency of the probationary period, intimation should be at once sent to the asylum superintendent, with a medical certificate as to the cause of death.

*Procedure for transferring a Pauper Lunatic from one Establishment to another.*

**Transfer of Lunatics from one Asylum to another; (1) by sanction of Board, Form B 2; (2) by order of Sheriff, Form A.**

26. A pauper Lunatic may be transferred from one asylum to another, (*a*) by sanction of the board, granted on petition to them by the inspector of poor, with one medical certificate from any registered practitioner who is not the medical officer or medical attendant of the asylum to which the patient is to be transferred, according to Form B 2. (see specimens of forms at page 304c *post*). Or (*b*) the patient may be transferred on the sheriff's order, granted on two medical certificates according to Form A. (see specimens of forms at page 304a *post*).

**Transfer from Lunatic Wards of Poorhouse to Asylum requires the Sheriff's Order.**

27. Patients who are detained in lunatic wards of poorhouses licensed for harmless and incurable patients only, cannot be transferred to asylums, or to those lunatic wards of poorhouses (parochial asylums) which are licensed for the reception and detention of patients suffering from all forms of insanity, except on the order of the sheriff, granted by application on Form A.

**Transfer from Establishments for the Insane to Lunatic Wards of Poorhouses.**

28. The transfer of a pauper lunatic from any establishment for the insane to the lunatic wards of a poorhouse licensed for harmless and incurable patients only, must be effected by application to the board on Form C. (see specimens of forms at page 304d *post*).

**Transfer from Asylum to Training Schools, and *vice versa*.**

29. The transfer of a pauper lunatic from an asylum to a training school for imbecile children, must be effected by application to the board on Form M. (see specimens of forms at page 304f *post*). In such a case *one* medical certificate will be accepted as sufficient. Transfers from training schools to asylums must be effected by application to the sheriff on Form A.

**Transfer of Patients while on Probation.**

30. A patient out on probation from any asylum may be transferred during the currency of the probationary period to any other asylum by application to the board on Form B 2 (see specimens of forms at page 304c *post*). Notice of the date of such transference should be given at once to the superintendent of the asylum from which the patient has been removed.

**Pauper Lunatics in Private Dwellings.**

*Procedure for placing Pauper Lunatics in Private Dwellings under sanction of the Board, and Conditions of Sanction.*

**Pauper Lunatics on becoming chargeable may remain in Private Dwellings.**

31. Pauper lunatics who do not require asylum treatment may, on becoming chargeable, remain in private dwellings under suitable guardianship, with the sanction of the board, which is granted on the application of the inspector of poor, accompanied by *two* medical certificates according to Form D. (see specimens of forms at page 283 *post*).

**Pauper Lunatics may be removed from**

32. Or they may be removed from establishments for the insane, and be placed under suitable guardianship in private dwellings under one or other of the procedures described in Rules 13–25. When the patient remains a pauper, application for the board's sanction must be made

* It not infrequently happens that patients, soon after being discharged from asylums on probation, enter service, or engage otherwise in work which renders them self-supporting, or which places them in positions where visitation by parochial officials would be injurious to their interests. In such cases the Board do not desire that patients should be visited by medical officers or inspectors of poor, and it will often, in such circumstances, be desirable to obtain a certificate of recovery, when that can be done without injury to the patient, or to get the patient to transmit such a certificate, with a view to the connection with the asylum being brought finally to an end. Such certificates should be sent to the Board, and a copy transmitted to the asylum superintendent.

Establishments and Private Dwellings.

in the manner described in Rule 16, page 12, after the patient has been discharged, and need not be accompanied by any medical certificate unless such be specially called for.

A Special License must be obtained for a Private Dwelling containing more than one Lunatic.

33. Not more than *one* pauper lunatic can be legally placed in any private dwelling unless the occupier of such dwelling hold a special licence from the Board. This licence is granted on application by the inspector of poor, in accordance with the regulations laid down in Appendix A, page 302.

Pauper Lunatics in Private Dwellings.

34. The sanctions granted by the board for the residence of lunatics in private dwellings, whether singly, or in numbers not exceeding four, are valid only for the particular house and the particular guardian named in the application. A pauper lunatic, whose residence in a private dwelling has been sanctioned, may, if need arises, be removed to another house or to other guardianship; but whenever any such patient is removed to another dwelling, or is placed under another guardian, the inspector of poor shall at once, after removal has taken place, intimate the facts to the board, with a view to their sanction to the change being obtained (see Form H4 in list on page 287 *post*). Any alteration in the nature or amount of the parochial allowance shall also be at once reported to the board by letter. (See Rule 41.)

All changes of Residence, Guardianship, or Parochial Allowance to be at once reported.

Accommodation, Guardianship, and Treatment of Pauper Lunatics in Private Dwellings.

35. Pauper lunatics sanctioned by the board to live in private dwellings must be comfortably housed, sufficiently fed and clothed and otherwise suitably provided for. They must be placed under the charge of properly remunerated, efficient, and trustworthy guardians, whose duty it shall be to carry out carefully the board's directions to persons receiving pauper patients, Appendix B, page 302 *post*.

Visitation by Medical Officers.

Pauper Lunatics in Private Dwellings.

36. Every pauper lunatic, whose residence in any private dwelling has been sanctioned by the board, must be visited within three weeks after such sanction has been granted, and at least once every three months thereafter, by a medical man appointed to perform that duty by the parish council of the parish to which the lunatic is chargeable, unless the board shall, on special application by the inspector of poor, otherwise regulate such visits; and the medical officer shall at every such visit enter in the visiting book for pauper patients in private dwellings (see list of forms at page 304 *post*), which shall be kept in the house in which the lunatic resides, a report of the mental and bodily condition in which he found the lunatic, with any suggestions or recommendations for improving the condition of the patient which he may think desirable. Any medical person who shall make any such entry without having visited the patient within seven days previous to such entry, is liable in a penalty not exceeding £10 for every such offence (Section, 13, 29 & 30 Vict. cap. 51).

Recommendations by Medical Officer not carried out to be reported.

37. Suggestions or recommendations for improving a patient's condition, recorded by the medical officer, shall be at once reported by him to the inspector of poor of the parish to which the lunatic is chargeable, who shall either see that they receive immediate effect, or shall report to the board his reasons for not carrying them out.

Visitation by Inspectors of Poor.

38. It shall be the duty of the inspector of poor of the parish to which an outdoor lunatic is chargeable to visit the patient at least twice a year, and to record the visit on its proper page in the book in which the medical officer's visits are recorded; and in the event of the lunatic residing beyond the parish to which he is chargeable, it shall be the duty of the inspector of poor of the parish of chargeability, if he does not visit the patient himself to provide for his being visited by the inspector of poor of the parish of residence; in which case it shall be the duty of the inspector of the parish of chargeability to assure himself that these visits are regularly made and recorded.

Board's Sanction may be withdrawn, and Removal Ordered.

Pauper Lunatics in Private Dwellings.

39. If a pauper lunatic, whose residence in a private dwelling has been sanctioned by the board, is regarded by them for any reason as having become unfit for residence in a private dwelling; or if any of the conditions as to accommodation, guardianship, treatment, or visitation is not observed, the board may withdraw their sanction and require the patient's removal to an asylum*; and any pauper lunatic who has been removed from an asylum and boarded out shall be sent back to it within fourteen days after the inspector of poor receives the order of the board to that effect.

Removal from the Poor-roll of Pauper Lunatics in Private Dwellings.

40. No pauper lunatic residing in any private dwelling shall be removed from the Poor-roll unless by a minute of the parish council, or of a duly authorised committee thereof, and unless sufficient evidence be produced to the parish council or its committee that his care and treatment will be provided for in a manner which they regard as satisfactory. When a pauper lunatic who has been removed from an asylum is ordered by the board to be sent back, the patient's relatives cannot remove his name from the Poor-roll without the board's sanction.

Notices and Letters required to be sent by Inspectors of Poor, in the case of Pauper Lunatics in Private Dwellings.

41. When a pauper lunatic in a private dwelling ceases to be chargeable as an outdoor patient by recovery, death, removal from the Poor-roll, or removal to an asylum* or other establishment for lunatics, or is removed to another house or placed under another guardian, or when escape or other serious occurrence happens, or when the alimentary allowance is increased or reduced, intimation thereof must be given to the board within fourteen days. In making intimation of such occurrences, the following requirements should be kept in view:—

(1) Notice of recovery (Form I.) must be accompanied by a medical certificate of sanity.

(2) Notice of death (Form I.) must be accompanied by a statement of the cause of death.

(3) Notice of removal from the Poor-roll (Form I.) must be accompanied by a copy of a minute stating the reason for such removal.

Pauper Lunatics in Private Dwellings.

(4) Notice of removal to an establishment for lunatics should be given by a letter stating briefly the reason which made removal from private care necessary.

(5) Notice of removal from one private dwelling to another, or from one guardian to another (Form H 4) should be accompanied by a short statement of the cause which has made the change desirable.

(6) Escapes, serious accidents, and other matters gravely affecting the well-being of patients, should be reported to the board by the inspector of poor, by a letter giving particulars.

(7) Changes of allowance should be reported by letter stating briefly the reason of the alteration.

(8) A separate notice must be sent in the case of each patient.

Grant for Pauper Lunatics.

*Claims on the Contribution from the Local Taxation Account in aid of the Cost of Maintenance of Pauper Lunatics.*

Certificate from General Board necessary.

42. No claim for participation in the contribution from the local taxation account in aid of the cost of maintenance of pauper lunatics will be allowed, unless the board give a certificate that the patient has been necessarily detained and properly cared for in the place in which he was maintained during the period for which the claim is made.

Disallowance of Claims for Pauper Lunatics in Establishments.

43. A claim made on account of a pauper lunatic maintained in an establishment for the insane will be invalidated:—

1. If there is reason to believe that his mental or bodily health is injuriously affected by residence in the institution in which he is detained.

2. If his condition renders him unsuitable for treatment in the particular class of institution in which he is placed.

Grant for Pauper Lunatics.

3. If the board shall be of opinion that he is detained in an establishment for the insane, not withstanding that he could be satisfactorily provided for in a private dwelling, were reasonable efforts to find a proper guardian made by the inspector of poor, and adequate payment offered by the parish council.

Disallowance of Claims for Pauper Lunatics in Private Dwellings.

44. Claims made on account of pauper lunatics maintained in private dwellings under the board's sanction will be invalidated, in the event of any one of the following conditions not being complied with:—

1. They shall be comfortably housed, clothed, and fed.

2. They shall be in every way as well treated as other members of the household.

3. They shall receive such personal care and attendance as will insure their comfort and safety.

4. Every reasonable effort shall be made to improve their condition and contribute to their happiness.

5. The inspector of poor shall, unless the board has regulated otherwise, make two visits yearly to each

* When a patient is removed to an asylum, the usual Sheriff's Order for Reception is necessary.

patient, and shall record them in the visiting book, as prescribed by the board.

6. A medical officer, appointed by the parish council shall, unless the board has regulated otherwise, make four visits yearly to each patient, and shall record them in the visiting book, as prescribed by the board.

(See Board's Circular of 15th May, 1879, Appendix, page 303 *post.*)

*Approved,*
THOS. D. GIBSON CARMICHAEL,
*Chairman of the Board.*

General Board of Lunacy,
Edinburgh, 6*th November*, 1895.

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## APPENDIX A.

REGULATIONS BY THE GENERAL BOARD OF LUNACY, UNDER WHICH SPECIAL LICENSES FOR THE RECEPTION OF NOT MORE THAN FOUR PAUPER LUNATICS ARE GRANTED ON THE APPLICATION OF INSPECTORS OF POOR TO THE OCCUPIERS OF PRIVATE DWELLINGS.

I. The application for license must be made on Form F., and be signed by the inspector of poor of the parish to which the pauper lunatics to be accommodated are chargeable, and no pauper lunatic chargeable to any other parish shall be placed in a specially licensed private dwelling without the consent of the inspector on whose application the license was granted, which consent shall be intimated to the board.

II. Not more than four pauper lunatics can be legally received into any specially licensed private dwelling; but the board will not grant a special license for the reception of more than *two* pauper lunatics into any such house except on the recommendation of a commissioner or deputy commissioner.

III. Each specially licensed private dwelling shall receive patients of one sex only, unless the board shall in special circumstances sanction otherwise. A separate bed shall be available for every patient, and no patient above twelve years of age shall occupy a bedroom with an adult of the opposite sex.

IV. The occupier of every specially licensed private dwelling shall inform the visiting commissioner, medical officer, and inspector of poor, at their visits, of all lodgers who are living in the house, or who have been received into it since the previous visit. No lodger of the opposite sex from the patients, if above fourteen years of age, shall be received into any specially licensed private dwelling.

V. An inspector of poor, before removing a patient to a specially licensed house, shall assure himself that he is not by so doing infringing any of the special conditions of license as to the number and sex of patients, and that he is not encroaching upon the right in the house of any other inspector. (See Regulation I.) In other respects the procedure for removing patients to such houses, and for obtaining the board's sanction, does not differ from that to be followed in providing for patients in private dwellings singly.

VI. All the rules and conditions as to visitation, care, and treatment, which apply to pauper lunatics provided for singly in private dwellings, are equally applicable to patients sanctioned to live in private dwellings which have been specially licensed.

VII. In all cases in which an inspector of poor has made provision for a pauper lunatic chargeable to his parish, in a specially licensed private dwelling not situated within such parish or within the statutory distance from it, he shall, if he does not himself undertake the duty of visitation, at once provide for his being regularly visited by the inspector of poor of the parish in which the pauper lunatic has been placed, as required by Rule 38 of the board's instructions to inspectors of poor (1895).

VIII. The board would at the same time strongly urge upon inspectors of poor the propriety of themselves visiting periodically all lunatics chargeable to their parishes who may be boarded out in specially licensed private dwellings, wherever such houses may be situated, in order to satisfy themselves of the efficiency of the guardianship and of the continued fitness of the lunatic for residence in such a house; the date and particulars of such visits, as well as of the visits paid by the local inspector, should be duly recorded in the visiting book provided for the purpose. In all cases where a number of specially licensed private dwellings are situated in the same locality, the board will consider it necessary to insist upon periodical visits by the inspector of poor of the parish of settlement, and they would in such cases also strongly recommend visitation by a committee of the parish council.

IX. Special licenses may be cancelled at any time, for any reason which the board shall deem sufficient. Whenever an inspector of poor at whose instance a special licence has been obtained discontinues his connection with the house, the fact should be reported to the board with any observations which seem desirable.

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## APPENDIX B.

DIRECTIONS TO PERSONS RECEIVING PAUPER PATIENTS INTO PRIVATE DWELLINGS WITH THE SANCTION OF THE GENERAL BOARD OF COMMISSIONERS IN LUNACY.

*Bedding and Sleeping Rooms.*

Guardians shall see that the sleeping room occupied by a patient is free from damp and well ventilated, that the bed is comfortable, and that the bed coverings are suitable and sufficient.

*Clothing.*

They shall take care that every patient is furnished with at least one full change of clothing, and they shall keep all articles of clothing clean and in good repair. A separate box or drawer should be set apart for the clothing of each patient, so that it may be readily inspected by the Commissioners in Lunacy, local medical officers, and inspectors of poor.

*Cleanliness.*

The guardians shall attend strictly to the personal cleanliness of every patient under their care; much importance is attached to this requirement.

*Food.*

They shall take their meals along with the patients and at the same table, and they shall supply them with the same kind of food as they take themselves, unless the medical officer shall decide otherwise. The food must always be sufficient in quantity, of good quality, and carefully cooked.

*Occupation and Exercise.*

The guardians shall do all they can to get the patients to employ themselves in work suited to their training and ability; but they shall at the same time be careful not to overtask those who are inclined to be industrious. It is desirable that every patient who is fit for it should

have outdoor exercise every day when the weather is suitable.

*General Treatment.*

They shall, as much as possible, treat the patients as members of their own families, and shall do all that they can to protect them from harm, and to improve their health and increase their happiness. Patients should be encouraged to attend Divine Service.

*Medical Care.*

They shall at once call in the local medical officer, and carefully follow his instructions, in the event of bodily illness or accident, or of any marked change being apparent in the mental condition of a patient.

*Accidents, Escapes, etc.*

In addition to calling in medical aid, as required by the preceding direction, they shall immediately report to the inspector of poor, with a view to his intimating the facts to the board, all serious accidents to patients, all untoward occurrences affecting their well-being, and all cases in which patients have without leave gone away from their guardians' care.

*Visits by Officials.*

They shall carefully keeping a readily accessible place the book in which the local medical officers and the inspectors of poor record their visits, and they shall take care to bring under the notice of these officials all matters which concern the comfort of a patient, or the fitness of a patient for a private dwelling.

## APPENDIX C.

(1) Circular Letter to Inspectors of Poor regarding the Conditions on which Claims on the Parliamentary Grant (now Contribution from Local Taxation Account) in aid of the Cost of Maintenance of Pauper Lunatics are admitted in the case of Patients provided for in Private Dwellings.

General Board of Lunacy,
Edinburgh, 15*th May*, 1879.

Sir,—With reference to the Parliamentary grant in aid of the cost of maintenance of pauper lunatics, I am instructed by the board to call your attention again to the following points:—

If, in regard to all pauper lunatics provided for in private dwellings, the following requirements are not fully complied with, the claim of the parish to which such pauper lunatics are chargeable to share in the grant will be invalidated:—

1. They shall be comfortably housed and fed.
2. They shall be in every way as well treated as other members of the household.
3. They shall receive such personal care and attendance as will ensure their comfort and safety.
4. Every reasonable effort shall be made to improve their condition and contribute to their happiness.
5. The inspector of poor shall make two visits yearly to each patient, and shall record them in the visiting book, as prescribed by the board.
6. A medical officer, appointed by the parochial board, shall make four visits yearly to each patient, and shall record them in the visiting book, as prescribed by the board.

To ensure the comfort of the patients, it is necessary not merely that a sufficient remuneration should be given to those who have charge of them, but aso that the inspector of poor and the medical officer satisfy themselves that the duties of the guardians are well performed. Improper treatment, neglect of a patient, or an inadequate supply of food or clothing, although the fault may rest rather with the person under whose immediate charge the patient is placed than with the parochial officials, will invalidate the claim of the parish to share in the grant.

I am instructed to draw your particular attention again to these points, because, notwithstanding my circular of 9th January, 1878, upon this subject, statements are still made by inspectors of poor and parochial medical officers that they do not understand these to be conditions on which the grant depends.—I am, etc.,

W. Forbes,
*Secretary.*

The inspector of poor is requested to place a copy of this circular in the hands of every medical officer to whom may be entrusted the duty of visiting pauper lunatics not in asylums. Additional copies may be had on application.

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(2) Circular Letter to Inspectors of Poor regarding the Transmission of Female Patients to and from Asylums.

General Board of Lunacy,
Edinburgh, 6*th January*, 1880.

Sir,—The board have had under consideration the practice pursued in the transmission of female patients to and from asylums, and I am to state that the board trust you will regard it as your duty to provide that a female patient, when taken to or from an asylum, shall be accompanied by a person of her own sex.

The board are aware that in some cases, such, for instance, as might arise from the patient being accompanied by her husband or son, female attendance may properly be dispensed with. But even in these circumstances, if the patient is excited or violent, or if the services of a nurse would be of use, female attendance should be regarded as necessary.

The board think it right to indicate their views in this matter, and they do not doubt that you will give them careful consideration and do what is proper in each case.

I am, etc.,
W. Forbes,
*Secretary.*

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(3) Circular Letter to Inspectors of Poor regarding the Transmission to the Board, of Notices required to be sent under the Lunacy Acts.

General Board of Lunacy,
Edinburgh, 6*th December*, 1883.

Sir,—With a view to diminishing as far as possible the work imposed upon inspectors of poor through the notices required to be sent under the provisions of the Lunacy Acts, the board have carefully considered whether some notices at present transmitted by inspectors of poor might not properly be dispensed with, in view of the fact that the board receive from other sources sufficiently full information of the occurrences to which these notices relate.

As the result of that consideration they have determined that they will not in future require the transmission of the following notices referring to pauper lunatics in asylums, in lunatic wards of poorhouses, and in training schools for imbecile children:—

(1) Notice of recovery.
(2) Notice of death.
(3) Notice of transfer from one establishment to another.

The board trust, however, that you will be careful to continue to transmit the following notices referring to lunatics in asylums, poorhouse wards, and training schools:—

(1) Notice of removal from Poor-roll of unrecovered patients, whether discharge from the establishment takes place or not (Form 1).

(2) Notice of removal from establishments to private dwellings of unrecovered patients who are to continue in receipt of relief (Form H 4).

The board also hope that it will be clearly understood that what has been said above in no way obviates the necessity for sending the following notices referring to patients residing under their sanction in private dwellings, including specially licensed houses, and they trust you will bear in mind that the neglect to send such notices both renders it impossible to keep correctly the general register prescribed by the Statute, and entails upon the board's visiting officers needless trouble and expense:—

(1) Notice of death of a patient sanctioned to reside in a private dwelling, with a statement of cause (Form I).

(2) Notice of recovery of a patient sanctioned to reside in a private dwelling, with a medical certificate of recovery (Form I).

(3) Notice of removal from the Poor-roll of a patient sanctioned to reside in a private dwelling, with copy of minute of parochial board authorising removal (Form I).

(4) Notice of removal to an establishment of a patient sanctioned to reside in a private dwelling (Notice by letter).

(5) Notice of removal of a patient from one private dwelling or specially licensed house to another, or from one guardian to another (Form H4).

The board also trust that inspectors of poor will continue to be careful to send the following general notices:—

(1) Intimation of a pauper lunatic (Form I1).

(2) Transference of liability of a pauper lunatic from one parish to another (Form I).

I am, etc.,
W. FORBES, *Secretary.*

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(4) LETTER TO THE SECRETARY OF THE BOARD OF SUPERVISION, IN REGARD TO ASSISTANCE BY THE CONSTABULARY IN REMOVING DANGEROUS LUNATICS.

General Board of Lunacy,
Edinburgh, *8th April*, 1889.

SIR,—The board have had before them the documents accompanying your letters of the 4th February and 16th March, as to the duty of the Constabulary in apprehending and removing dangerous lunatics to asylums; and, with reference thereto, I am directed by them to say that, in their opinion, it is not desirable that the police should interfere in cases of lunacy, unless such interference is clearly necessary for the lunatic's own protection, or that of others. On the other hand, whenever there is a reasonable ground for believing that there is danger in the conduct of an insane person, it is clear that the lieges are entitled to expect the protection of the police. Such protection would not necessarily imply the apprehension of the lunatic, for cases might occur in which watchfulness on the part of the police, or assistance by them in enabling relatives or parochial authorities to make the necessary arrangements for the lunatic's safety, might be all that would be needed. The interference of the police beyond that point might, in many cases, be productive of more harm than good. It is clearly undesirable that harmless persons should, merely because of insane behaviour, be dealt with by the police, and be thus associated in the public mind with persons who have acted criminally.

There may, however, often be considerable difficulty and difference of opinion as to whether the conduct of an insane person is such as infers danger or not. There can be no rule laid down upon this subject, and much must be left to the good sense of those concerned. If there is a desire on the part of the parochial and of police authorities, as the board believe is generally the case throughout Scotland, to be mutually helpful and considerate to each other in dealing with insane persons, the board think that the safety of patients and of the public will be amply secured without the action of the police authorities becoming unduly prominent, and without any hard and fast regulation being made on the subject.

In most cases where patients have to be removed to asylums by parochial authorities, the board believe that these authorities do not require to call on the police for assistance, and they should refrain from doing so unnecessarily. On the other hand, whenever there is reason to believe that an insane person is a source of danger, and the means of removal at the disposal of the parochial authorities are inadequate, the board think that it would be advantageous that the police should not withhold such assistance as may be necessary to provide fully for the protection of the patient and those about him.

I return herewith the documents forwarded.—I am, etc

*(Signed)* T. W. L. SPENCE,
*Secretary.*

John Skelton, Esq., C.B.,
Secretary, Board of Supervision.

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## APPENDIX D.

(1) FORMS REQUIRED BY INSPECTORS OF POOR IN THE DISPOSAL OF PAUPER LUNATICS. THEY ARE FURNISHED BY MESSRS. T. & A. CONSTABLE, PRINTERS, 11 THISTLE STREET, EDINBURGH.

| Form. | Price per doz. | Postage per doz. |
|---|---|---|
| (A.) Petition to the sheriff to grant order for the reception of a patient into an asylum | 9d. | 1½d. |
| (B2.) Application to the General Board of Lunacy to sanction transfer of a patient from one asylum to another | 8d. | 1d. |
| (C.) Application to the General Board of Lunacy to sanction the reception of a pauper lunatic into the lunatic wards of a poorhouse | 9d. | 1½d. |
| (D.) Application to the General Board of Lunacy to sanction the residence of a pauper lunatic in a private dwelling, specially licensed or otherwise | 9d. | 1½d. |
| (F.) Application to the General Board of Lunacy to grant a special license authorising the residence in a private dwelling of more than one pauper lunatic | 8d. | 1d. |
| (G.) Application to the General Board of Lunacy to sanction the liberation on probation of a lunatic | 8d. | 1d. |
| (H4.) Notice of removal from an asylum of an unrecovered pauper lunatic, not removed from the Poor-roll, *or* Notice of change of residence or Guardianship of a pauper lunatic sanctioned to reside in a private dwelling | 5d. | ½d. |
| | 5d. | ½d. |
| (I.) Notice that a pauper lunatic has ceased to be chargeable by transference of liability, removal from poor-roll, recovery, or death, | 5d. | ½d. |
| (I 1.) Intimation of a pauper lunatic | 5d. | ½d. |
| (M.) Application to the General Board of Lunacy to sanction the reception of a pauper child into a training school for imbecile children | 8d. | 1d. |
| Visiting book for pauper patients in private dwellings | 6d. each, or 7d. with postage. | |

*N.B.*—This FORM shall remain in the keeping of the Superintendent of the Asylum, after the Order of the Sheriff is obtained.

[FORM A.]

(1) Sheriff or Steward.
(2) Shire or Stewartry.

*25 & 26 Vict., Cap. 54, Sect. 14.*

## PETITION TO THE SHERIFF TO GRANT ORDER FOR THE RECEPTION OF A PATIENT INTO AN ASYLUM.

(3) State degree of Relationship or other capacity in which Petitioner stands to Lunatic.

*Unto the Honourable the* (1) *of* *of the* (2) *and his Substitutes,*—

The Petition of

humbly showeth that it appears from the subjoined Statement and accompanying Medical Certificates, that

your Petitioner's (3)

is at present in a state of Mental Derangement, and a proper person for treatment in an Asylum for the Insane. May it therefore please your Lordship to authorise the transmission of the said to the and to sanction admission into the said Asylum.

(4) The date of the Petition must be within fourteen clear days following the dates of the Medical Certificates.

*(To be signed by the Party applying)*———————————

DATED this (4) day of One thousand nine hundred and

(5) If patient has been previously in an Establishment, state fact, and date of latest admission or approximation thereto. If never previously under examination or treatment, state fact.

### STATEMENT.

*If any of the Particulars in this Statement be not known, the fact to be so stated.*

1. Christian Name and Surname of Patient at length - - - - - - - - - -
2. Sex and Age - - - - - - - - - -
3. Married, Single, or Widowed - - - - - -
4. Condition of Life, and previous Occupation (if any) -
5. Religious Persuasion, so far as known - - -
6. Previous Place of Abode - - - - - - -
7. Place where Found and Examined - - - -
8. Length of time Insane - - - - - - -
9. Whether First Attack - - - - - - - -
10. Age (if known) on First Attack - - - - -
11. When and where previously under Examination and Treatment (5) - - - - - - -
12. Duration of Existing Attack - - - - - -
13. Supposed Cause - - - - - - - -
14. Whether subject to Epilepsy - - - - - -
15. Whether Suicidal - - - - - - - - -
16. Whether Dangerous to others - - - - - -
17. Parish or Union to which the Lunatic (if a Pauper) is Chargeable - - - - - -
18. Christian Name and Surname, and Place of Abode of nearest known Relative of the Patient, and degree of Relationship (if known), and whether any Member of Family known to be or to have been Insane - - - - - - - -
19. Special circumstances (if any) preventing the insertion of any of the above particulars - - - -

I certify that, to the best of my knowledge, the above particulars are correctly stated.

DATED this day of One thousand nine hundred and

*(To be signed by the Party applying)*———————————

### MEDICAL CERTIFICATE, No. I.

(1) *Set forth the qualification entitling the person certifying to grant the certificate; e.g.*, Member of the Royal College of Physicians in Edinburgh.

(2) Physician or Surgeon, *or otherwise, as the case may be.*

(3) *Insert the street and number of the house (if any), or other like particulars.*

(4) *Insert Designation and Residence, and if a Pauper state so.*

(5) Lunatic, *or* an insane person, *or* an idiot, *or* a person of unsound mind.

(6) *State the facts.*

(7) *State the information, and from whom derived.*

I, the undersigned being a (1)

and being in actual practice as a (2)

do hereby certify, on soul and conscience, that I have this day, at (3) in the County of separately from any other Medical Practitioner, visited and personally examined (4) and that the said is a (5) and a proper person to be detained under Care and Treatment, and that I have formed this opinion upon the following grounds, viz.:—

1. Facts indicating Insanity observed by myself: (6)

2. Other facts (if any) indicating Insanity communicated to me by others: (7)

*Name and Medical Designation* ———————————

*Place of Abode* ———————————

DATED this day of One thousand nine hundred and

## MEDICAL CERTIFICATE, No. II

I, the undersigned, being a (1) and being in actual practice as a (2) do hereby certify, on soul and conscience, that I have this day, at (3) in the County of separately from any other Medical Practitioner visited and personally examined (4) and that the said is a (5) and a proper person to be detained under Care and Treatment, and that I have formed this opinion upon the following grounds, viz.:—

1. Facts indicating Insanity observed by myself: (6)

2. Other facts (if any) indicating Insanity communicated to me by others: (7)

*Name and Medical Designation* ——————————

*Place of Abode* ——————————

DATED this day of One thousand nine hundred and

(1) *Set forth the qualification entitling the person certifying to grant the certificate; e.g.*, Member of the Royal College of Physicians in Edinburgh.

(2) Physician or Surgeon, *or otherwise, as the case may be.*

(3) *Insert the street, and number of the house (if any), or other like particulars.*

(4) *Insert Designation and Residenc , and if a pauper state so.*

(5) Lunatic, *or* an insane person, *or* an idiot, *or* a person of unsound mind.

(6) *State the facts.*

(7) *State the information and from whom derived.*

## CERTIFICATE OF EMERGENCY.

(*This Certificate authorises the detention of a Patient in an Asylum for a period not exceeding three days without any Order by the Sheriff.*)

I, the undersigned, being (1) hereby certify, on soul and conscience, that I have this day, at (2) in the County of , seen and personally examined , and that the said person is of unsound mind, is a proper Patient to be placed in an Asylum, and is in a sufficiently good state of bodily health at this date to be removed to the Asylum at (3)

And I further certify that the case of the said person is one of Emergency.

Dated this day of One thousand nine hundred and

(1) State medical qualification.

(2) State place of examination.

(3) State place at which Asylum is situated.

(*The following should be filled up in every case in which a Certificate of Emergency is acted on.*)

I hereby request the Superintendent of the Asylum to receive therein to whom the foregoing Certificate of Emergency refers.

*Relationship or other capacity in which Applicant stands to Patient,* ——————————

*Signature and Address* ——————————

*Date* ——————————

## ORDER TO BE GRANTED BY THE SHERIFF FOR THE TRANSMISSION AND RECEPTION OF THE LUNATIC.

I, (1) of the (2) of having had produced to me, with a Petition at the instance of (3) Certificates under the hands of and being two Medical Persons duly qualified in terms of an Act, intituled "An Act for the Regulation of the Care and Treatment of Lunatics, and for the Provision, Maintenance, and Regulation of Lunatic Asylums in Scotland," setting forth that they had separately visited and examined (4) and that the said is a (5) and a proper Person to be detained and taken care of, DO HEREBY AUTHORISE you to receive the said as a patient into the (6) Asylum of and I authorise (7) Transmission to the said Asylum accordingly; and I transmit you herewith the said Medical Certificates, and a Statement regarding the said which accompanied the said Petition.

DATED [at ] this day of One thousand nine hundred and

*To the Superintendent of the Asylum of* (8)

*Signature* ——————————

(1) State whether Sheriff, Sheriff-Substitute, Steward, or Steward-Substitute.

(2) State whether a County or Stewartry.

(3) Insert Name and Designation.

(4) Describe him, and if a Pauper, state so.

(5) Lunatic, *or* an Insane Person, *or* an Idiot, *or* a Person of unsound mind.

(6) Public, District, Parochial, *or* Private.

(7) His, *or* her.

(8) Public, District, Parochial, *or* Private.

[FORM B 2.]

25 & 26 *Vict., Cap.* 54, *Sect.* 16.

## APPLICATION TO THE GENERAL BOARD OF LUNACY TO GRANT TRANSFER OF A PATIENT FROM ONE ASYLUM TO ANOTHER.

I, the undersigned (1) being desirous to transfer at present a Patient in and (2) from the said Asylum to the beg to submit the subjoined Statement of Particulars regarding the said patient, and a Medical Certificate with respect to the mental and bodily condition of the said patient:—

(1) Insert Christian and Surname.

(2) If Lunatic is not a Pauper, insert "detained at my instance," *or* "whose nearest known relative I am." If Lunatic is a Pauper, insert "a Pauper Lunatic of the Parish of which I am Inspector of Poor."

### STATEMENT OF PARTICULARS.

1. Christian Name and Surname of Patient at length - - - - - - - - - -
2. Sex and Age - - - - - - - - - -
3. Married, Single, or Widowed - - - - - -
4. Condition of Life, and Previous Occupation (if any) - - - - - - - - - -
5. Religious Persuasion, so far as known - - -
6. Parish to which the Lunatic (if a Pauper) is chargeable - - - - - - - - -
7. Christian Name and Surname, and Place of Abode of nearest known Relative of the Patient, and degree of relationship (if known), and whether any Member of the Family known to be, or to have been Insane - - - - - -

I certify that, to the best of my knowledge, the above particulars are correctly stated, and I hereby make Application for the authority of the General Board of Commissioners in Lunacy to the transfer of the patient as aforesaid.

(*Signature of Applicant*) ———————————————

(3) ———————————————

(3) State degree of Relationship, or other capacity in which Applicant stands to Patient. If a Lunatic is a Pauper, insert "Inspector of Poor of the Parish of.

DATED this day of One thousand nine hundred and

*N.B.*—The foregoing particulars, and those contained in the Medical Certificate which follows, are required for the information of the Board and of the authorities of the Asylum to which the Patient is to be transferred.

### MEDICAL CERTIFICATE.

I, the undersigned, hereby certify that I have this day at (1) personally examined who has been a Patient in said Asylum since (2) and I certify that the said Patient is a person of unsound mind, (3) epileptic, (3) suicidal (3) dangerous to others. I also certify, with respect to the Mental State of the Patient, that (4)

(1) Name Asylum.

(2) Insert Date of Admission.

(3) Insert "is," or "is not," as the case may be.

(4) Describe Mental State.

and with respect to the Bodily State of the Patient, that (5)

and that there is nothing in the Mental or Bodily State of the Patient to make removal to the (1) Asylum inadvisable; and I further certify that (6) facts known to me as to the past history of the Patient, bearing upon risk of suicide or danger to others, which I think ought to be brought under the notice of those who are to have charge of the Patient:—

(5) Describe Bodily State

(6) Insert "the following are," or "there are no," as the case may be.

(*Signature*) ———————————————

(*Medical Qualification*) ———————————————

(*Date*) ———————————————

### SANCTION BY THE BOARD OF LUNACY.

(*Under this Sanction a Patient may be Transferred without an Order of the Sheriff.*)

The foregoing Application having been made to the Board to authorise the transfer of

from
to

and the Board having considered such Application and the accompanying Medical Certificate, do hereby authorise the transfer, at any time within fourteen days from the date hereof, of the said patient as requested.

——————————————— *Secretary.*

DATED at Edinburgh, this day of One thousand nine hundred and

Date of Sheriff's Order [*to be inserted at the Office of Board*].

[FORM C.]

No.

*25 & 26 Vict., Cap. 54, Sect. 4.*

## APPLICATION TO THE BOARD OF LUNACY TO SANCTION THE RECEPTION OF A PAUPER LUNATIC INTO THE LUNATIC WARDS OF A POORHOUSE.

As it appears from the subjoined Statement and accompanying Medical Certificate that a Pauper Lunatic of the Parish of is of unsound mind, is not dangerous, does not require curative treatment, and is a proper person to be placed in the Lunatic Wards of the Poorhouse.

May it therefore please your Honourable Board, to sanction admission into the Lunatic Wards of the said Poorhouse.

_____ *Inspector of Poor.*

*of the Parish of* _____.

DATED at this day of One thousand nine hundred and

[*Statement.*

### STATEMENT BY INSPECTOR OF POOR.

(*If any of the Particulars in this Statement be not known, the fact to be so stated.*)

1. Christian Name and Surname of Patient at length - - - - - - - - -
2. Date of becoming Chargeable - - - - - -
3. Sex and Age - - - - - - - - -
4. Married, Single, or Widowed - - - - - -
5. Condition of Life, and previous Occupation (if any) - - - - - - - - -
6. Religious Persuasion, so far as known - - -
7. Previous Place of Abode - - - - - -
8. Place where Found and Examined - - - -
9. Length of time Insane - - - - - - -
10. Whether First Attack - - - - - - -
11. Age (if known) on First Attack - - - - -
12. When and where previously under Treatment -
13 Duration of Existing Attack - - - - - -
14. Supposed Cause - - - - - - - -
15. Whether any Relative known to be or to have been Insane - - - - - - - -

I certify that to the best of my knowledge the above particulars are correctly stated.

*Signature of Inspector applying* _____

*Date* _____

### STATEMENT BY MEDICAL OFFICER.

1. Whether Deformed, or affected with Bodily Disease -
2. Whether able to Speak and Walk, Dress and Feed Self - - - - - - - - -
3. Whether capable of Employment - - - - -
4. Whether subject to Epilepsy - - - - - -
5. Whether Paralytic - - - - - - - -
6. Whether of Uncleanly Habits by Day or Night -
7. Whether Violent or Noisy - - - - - -
8. Whether refusing Food - - - - - - -
9. Whether of Obscene Conduct, or offensive to Public Decency - - - - - - - -
10. Whether Suicidal - - - - - - -
11. Whether Dangerous to others - - - - - -

I certify that, to the best of my knowledge, this Statement is correct.

*Signature of Medical Officer* _____

*Designation* (1) _____

*Date* _____

(1) Medical Officer of Asylum of—or Poorhouse of—or Parish of—as the case may be, or acting in either of these capacities.

## MEDICAL CERTIFICATE.

[*This Certificate* CANNOT BE *signed by the Medical Officer of the Poorhouse in which the Patient is to be placed.*]

I, the undersigned,
do hereby certify, on soul and conscience, that I have this day at
in the county of , personally examined
and believe to be of unsound mind, and a proper Person to be placed in
the Lunatic Wards of Poorhouse. I have formed my opinion
of the patient's insanity upon the following grounds, viz. :—

1. Facts indicating Insanity or Idiocy observed by myself:

2. Facts indicating Insanity or Idiocy communicated to me by others:

3. I hereby further certify that the Patient is not dangerous, is incapable of deriving benefit from treatment in an Asylum, has no habits or infirmities which render care difficult, and is in a sufficiently good state of bodily health to be removed to the Lunatic Wards of the Poorhouse named.

*Name and Medical Qaulification*———————————————————
*Place of Abode*———————————————————

DATED this day of One thousand nine hundred and

---

[*The following Second Certificate must also be filled up, unless the patient is* ALREADY DULY CERTIFIED *by two Medical Certificates to be a* LUNATIC, *in which case it is to be* LEFT BLANK. *This Certificate* MAY BE *signed by the Medical Officer of the Poorhouse in which the Patient is to be placed.*]

I, the undersigned,
do hereby certify, on soul and conscience, that I have this day at
in the county of , personally examined
and believe to be of unsound mind, and a proper Person to be
placed in the Lunatic Wards of Poorhouse.
I have formed my opinion of the patient's insanity upon the following grounds, viz. :—

1. Facts indicating Insanity or Idiocy observed by myself:

2. Facts indicating Insanity or Idiocy communicated to me by others:

3. I hereby further certify that the Patient is not dangerous, is incapable of deriving benefit from treatment in an Asylum, has no habits or infirmities which render care difficult, and is in a sufficiently good state of bodily health to be removed to the Lunatic Wards of the Poorhouse named.

*Name and Medical Qualification*———————————————————
*Place of Abode*———————————————————

DATED this day of One thousand nine hundred and

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## CERTIFICATE FOR INTERIM DETENTION.

[*This Certificate authorises the detention of a Patient in the Lunatic Wards of a Poorhouse for seven days, without the sanction of the Board.* IT SHOULD NOT BE USED EXCEPT IN CIRCUMSTANCES WHICH MAKE THE REMOVAL OF THE PATIENT TO THE WARDS URGENT.]

I, having already
granted the Certificate of Insanity hereto annexed, hereby certify that, in my opinion, the said
may be removed without risk of injury to the Lunatic
Wards of Poorhouse, and may be properly received for interim
detention, pending the decision of the Board of Lunacy.

(*Signature*) ———————————————————

DATED this day of
One thousand nine hundred and

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## SANCTION BY THE GENERAL BOARD OF LUNACY.

The Board, having had submitted to them the foregoing application and relative documents, hereby sanction the
Admission of into the Lunatic Wards
of Poorhouse.*

———————————————————*Secretary.*

DATED this day of One
thousand nine hundred and

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* This Sanction must be renewed unless acted on within Fourteen Days from its date.

## I.—REGULATIONS FOR THE INTIMATION OF PAUPER LUNATICS, AND FOR THEIR REMOVAL UNRECOVERED FROM ASYLUMS.

1. A Pauper Lunatic is a person, certified by *two* medical persons to be a Lunatic, an Insane Person, an Idiot, or a Person of unsound Mind, on whose behalf any allowance or assistance is granted by a Parish Council, whether such Lunatic be a Pauper or be a Dependent.

2. Every Inspector of Poor, when he becomes aware of any unintimated Pauper Lunatic being within the parish of which he is Inspector, shall intimate the fact to the General Board, and to the Chairman of his Parish Council on Form I[1].

3. If it is not proposed to place such Pauper Lunatic in an Establishment for the Insane, application must be made to the Board on Form D, with two medical certificates, for their sanction to his residence in a Private Dwelling.

4. In the case of a Pauper Lunatic removed *unrecovered* from an Asylum by a Minute of a Parish Council, a special schedule, containing a Form of Application for Sanction, will be transmitted to the Inspector of Poor on receipt of notice that the patient is discharged. Any proposal for the removal of a patient to a specially licensed house, which would have the effect of altering in any way the conditions on which the licence is held, must be reported to the Board and receive their consent, *before the patient is removed.*

5. In the case of Pauper Lunatics discharged on Probation, *one* medical certificate must be forwarded to the Board at the close of the Probationary Period, for the purpose of informing them as to the patient's mental condition. If the patient is of unsound mind and continues in receipt of Parochial relief, the certificate should be given according to Form D, and the *Application and Statement* on that Form must be filled up and transmitted to the Board for their sanction to the manner of disposal.

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## II.—REGULATIONS REGARDING THE VISITATION, ETC., BY MEDICAL OFFICERS AND INSPECTORS OF POOR OF PAUPER LUNATICS IN PRIVATE DWELLINGS.

1. Every *Pauper Lunatic,* whose residence in any Private Dwelling has been sanctioned by the General Board, must be visited within three weeks after such sanction has been granted, and at least once every three months thereafter by a medical man appointed to perform that duty by the Parish Council of the parish to which the lunatic is chargeable, unless the General Board of Lunacy shall, on special application by the Inspector of the Poor, otherwise regulate such visits; and the Medical Officer shall at every such visit enter in a Visiting Book, which shall be kept in the house in which the lunatic resides, a report of the mental and bodily condition in which he found the lunatic, with any suggestions or recommendations for improving the condition of the patient which he may think desirable. Any medical person who shall make any such entry without having visited the patient within seven days previous to such entry, is liable in a penalty not exceeding Ten Pounds for every such offence.

2. Suggestions or recommendations for improving a patient's condition, recorded by the Medical Officer, shall be at once reported by him to the Inspector of Poor of the parish to which the lunatic is chargeable, who shall either see that they receive immediate effect, or shall report to the General Board his reasons for not carrying them out.

3. It shall be the duty of the Inspector of Poor of the parish to which an outdoor lunatic is chargeable to visit the patient at least twice a year, and to record the visit on its proper page in the book in which the Medical Officer's visits are recorded; and in the event of the lunatic residing beyond the parish to which he is chargeable, it shall be the duty of the Inspector of Poor of the parish of chargeability, if he does not visit the patient himself, to provide for his being visited by the Inspector of Poor of the parish of residence, in which case it shall be the duty of the Inspector of the parish of chargeability to assure himself that these visits are regularly made and recorded.

4. No Inspector of Poor shall remove any Pauper Lunatic residing in any Private Dwelling with the sanction of the Board to any other dwelling, or make any alteration in the nature or amount of the parochial allowance, without intimating the same to the General Board.

5. When a Pauper Lunatic in a Private Dwelling ceases to be chargeable as an outdoor patient by Removal from the Poor-roll, or Recovery, or Removal to an Establishment for Lunatics, or Death, intimation thereof must be given to the General Board on Form I.

6. Escapes, serious accidents, and other matters gravely affecting the well-being of patients, shall at once be reported by the Inspector of Poor to the General Board, by a letter giving particulars.

*Note.*—The *Visiting-Book for Pauper Lunatics in Private Dwellings* (Price 6d., Postage 1d.), and all FORMS used in the disposal of the Insane, may be obtained from Messrs. T. and A. CONSTABLE, 11, Thistle Street, Edinburgh.

The General Board's *Instructions for the guidance of Inspectors of the Poor in the Disposal and Management of Pauper Lunatics* may be obtained free at the OFFICE OF THE BOARD, 51, Queen Street, Edinburgh.

*25 and 26 Vict., Cap. 54, Sect. 16.*

## RULES FOR THE DISCHARGE OF PATIENTS ON PROBATION.

*The object of these Rules is to furnish Inspectors of the Poor and others with the information necessary to enable them to apply for the discharge of Patients from Asylums on trial; to point out the steps which the General Board of Lunacy require shall be taken for the proper care of Patients during the period of trial; and to indicate the course to be adopted on the expiry of the period of probation.*

1. Application for the Sanction of the Board for the Discharge of Patients on Probation shall be made according to Form G. The authority to permit liberation on probation given by Section 16 is held not to apply to patients detained as dangerous lunatics under the provisions of Section 15 of the same Act.

2. Pauper Lunatics discharged on Probation shall, unless the Board on special application regulate otherwise, be visited once in every three months by a medical man appointed by the Parish Council, and once in every six months by the Inspector of Poor,* who shall record their visits in the "Visiting Book for Pauper Patients in Private Dwellings"; and during the period of Probation such Patients remain subject to visitation by the Commissioners, and generally to the Board's Instructions applicable to Patients sanctioned to reside permanently in private dwellings.

3. Though Pauper Lunatics on Probation may require no parochial aid during the currency of the Probationary Period, they cannot during that time be removed from the Poor-roll, without the sanction of the General Board, unless certified recovered, nor can any of the conditions of liberation be altered without such sanction.

4. On the Order of the Board, or on an entry being made by the Medical Officer in the Visiting Book that a Pauper Patient has ceased to be suitable for remaining out on Probation, the Inspector shall, within fourteen days thereafter, remove him back to the Asylum, and send notice to the Board that this has been done.

5. When for any reason it is deemed necessary to send a Patient on Probation back to the Asylum, the Superintendent is bound to receive him on the simple demand for admission, provided the period of Probation is still current.

6. If the Patient is not to be replaced in the Asylum, a Medical Certificate must be transmitted to the Board before the period of Probation expires, to the effect, either (1) that the Patient is recovered,† or (2) that he is still of unsound mind. In the latter case, if the Patient is kept for profit or is in receipt of parochial relief, the sanction of the Board must be obtained to the manner in which he is to be provided for, by application in the case of Private Patients on Form F 2, and in the case of Pauper Patients on Form D, with one Medical Certificate. The Superintendent of the Asylum from which the Patient has been removed should also, in all cases, be informed as to the Patient's mental condition at the close of the period of Probation.

7. In the event of the death of a Patient taking place during the currency of the Probationary Period, intimation should be at once sent to the Medical Superintendent, with a Medical Certificate as to the cause of death.

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* It not infrequently happens that patients, soon after being discharged from asylums on probation, enter service, or engage otherwise in work which renders them self-supporting, or which places them in positions where visitation by Parochial officials would be injurious to their interests. In such cases the Board do not desire that patients should be visited by medical officers or inspectors of poor, and it may often, in such circumstances, be desirable to obtain a certificate of recovery, when that can be done without injury to the patient, or to get the patient to transmit such a certificate, with a view to the connection with the asylum being brought to an end. Such certificates should be sent to the board, and a copy transmitted to the asylum superintendent.

† Care should be taken to avoid describing the patient's mental state in terms, such as "so far recovered," which leaves room for doubt as to whether the patient is to be regarded as sane or insane. The manner of legal disposal of the patient in many cases depends upon whether he is certified to be sane or insane. A definite statement on the point is, therefore, often indispensable, and the absence of it may necessitate a further certificate being called for.

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### STATEMENT. [FORM M.]

*To be filled up in regard to* all *Children admitted. If any of the Particulars in this Statement be not known, the fact to be so stated.*

1. Christian Name and Surname of Patient at length-
2. Name, Surname, and Rank or Profession of the Child's Father - - - - - - - - - -
3. Name, and Maiden Surname, of the Child's Mother -
4. Date of becoming Chargeable - - - -
5. Sex and Age - - - - - - - - -
6. Previous Place of Abode - - - - -
7. Place where Found and Examined - - - -
8. Whether Imbecile from Birth - - - -
9. When and where previously under Examination and Treatment - - - - - - - - -
10. Supposed Cause - - - - - - -
11. Whether Deformed, or affected with Bodily Disease -
12. Whether able to (1) Speak - - - - -
    (2) Walk - - - - -
    (3) Dress Self - - - -
    (4) Feed Self - - - -
13. Whether subject to Epilepsy - - - -
14. Whether Paralytic - - - - - - -
15. Whether of Uncleanly Habits - - - - -
16. Whether Noisy - - - - - - - -
17. Whether Destructive - - - - - -
18. Whether any Relative known to be or to have been Insane - - - - - - - - - -

I certify that, to the best of my knowledge, the above particulars are correctly stated.

*_____

DATED this day of One thousand nine hundred and

* To be signed by the Applicant for the Child's reception.

APPLICATION TO THE BOARD OF LUNACY TO SANCTION THE RECEPTION OF A PAUPER CHILD INTO AN INSTITUTION FOR THE TRAINING OF IMBECILE CHILDREN.

As it appears from the foregoing Statement and accompanying Medical Certificates that
a Pauper Child of the Parish of
is capable of deriving benefit from training and treatment in the Institution for the Training of Imbecile Children at
May it therefore please your Honourable Board to sanction the said Child's admission into the said Institution.

——————————— *Inspector of Poor*
*of the Parish of*———————————

DATED at this day of
One Thousand Nine Hundred and

---

MEDICAL CERTIFICATE, No. 1.

I, the undersigned
do hereby certify that I have this day at
in the county of , personally examined
and believe the said Child to be of unsound mind, to be capable of deriving benefit from training and treatment in the Institution for the Training of Imbecile Children at
and to be in a fit state of bodily health for removal thereto.

*Signature,*———————————
*Medical Qualification,*———————————
*Place of Abode,*———————————

DATED this day of One thousand nine hundred and

---

MEDICAL CERTIFICATE, No. 2.

I, the undersigned,
do hereby certify that I have this day at
in the county of , personally examined
and believe the said Child to be of unsound mind, to be capable of deriving benefit from training and treatment in the Institution for the Training of Imbecile Children at
and to be in a fit state of bodily health for removal thereto.

*Signature,*———————————
*Medical Qualification,*———————————
*Place of Abode,*———————————

DATED this day of One thousand nine hundred and

---

SANCTION BY THE GENERAL BOARD OF LUNACY.

The Board, having had submitted to them the foregoing application and relative documents, hereby sanction * the Admission of
into the Institution for the Training of Imbecile Children at

———————————*Secretary.*

DATED this day of One thousand nine hundred and

* This Sanction must be renewed unless acted on within twenty-eight days.

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(2) CIRCULAR No. 90 AS TO FORMS, BOOKS, ETC., NOT OBTAINED FROM BOARD'S PRINTERS.

General Board of Lunacy,
Edinburgh, 17*th August*, 1888.

SIR,—I am directed by the board to inform you that all schedules, notices, books, and registers required in connection with the Lunacy Statutes are issued by Messrs. T. & A. Constable, Printers, 11 Thistle Street, Edinburgh, under the board's direction, and that by an arrangement with Messrs. Constable all such schedules, notices, books and registers are submitted to the board for revision and for such alteration as may be thought desirable, on each occasion on which it becomes necessary to print a fresh supply for public use.

In the event, therefore, of your purposing at any time to get any of these forms printed privately, or by printers other than Messrs. Constable, the board request that you will, before doing so, obtain from Messrs. Constable a copy of the form proposed to be printed, so as to ensure that all changes made by the board are embodied in the reprint—I am, etc.,

(*Signed*) T. W. L. SPENCE.

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## PART II.

## COPIES OF THE GENERAL REPORTS ON THREE SPECIALLY LICENSED HOUSES (ONE FROM EACH OF THE THREE GROUPS VISITED BY THE ROYAL COMMISSIONERS) AND OF THE CASE RECORDS OF THE PATIENTS WHO WERE SEEN IN EACH OF THESE HOUSES; TOGETHER WITH BRIEF NOTES OF THE MAIN FACTS IN REGARD TO EVERY PATIENT SEEN IN EACH OF THE THREE LOCALITIES VISITED BY VARIOUS MEMBERS OF THE COMMISSION.

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**[Copy of the General Reports on three Specially Licensed Houses (one from each of the three Groups visited by the Commissioners) and exact copy of the Case Records of the Patients who were seen in each of these Houses.]**

## 1. SPECIALLY LICENSED HOUSE OF MRS. JAMES HOUSTON, MARKINCH.

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|---|---|
| *County*—Fife. | *Parish in which situated*—Markinch. |
| *Specially Licensed House of* | Mrs. James Houston. |
| *Address* | Milton of Balgonie, Markinch. |
| *Applicant for License* | Inspector of Poor, Dundee. |
| *Date when granted* | 11th August, 1885. |
| *Number in Register* | 481. |
| *Number for which Licensed* | 3. |

### Patients Resident, and Parishes of Chargeability.

M. S. or S., chargeable to Dundee.
H. M., chargeable to Dundee.
J. S. or S., chargeable to Dundee.

### General Reports, Minutes, Etc.

18*th December*, 1896.—House and guardianship are very good. Family consists of guardian, one son and a daughter. Patients generally take their meals along with the family.—C. M.

24*th December*, 1896.—Read.—J. F.

29*th March*, 1897.—Satisfactory.—C. M.

2*nd April*, 1897.—Read.—J. F.

12*th November*, 1897.—No change.—C. M.

11*th February*, 1898—Satisfactory.—C. M.

22*nd February*, 1898.—Read.—J. F.

30*th November*, 1898.—Quite satisfactory.—C. M.

6*th December*, 1898.—Read.—J. S.

14*th March*, 1899.—Comfortable.—C. M.

21*st March*, 1899.—Read.—J. F.

20*th April*, 1900.—Satisfactory.—C. M.

27*th April*, 1900.—Read.—J. M.

10*th October*, 1900.—A very good home.—C. M.

17*th October*, 1900.—Read.—J. M.

11*th April*, 1901.—The patients in this house were very noisy. They were found at dinner in their own room, but I could scarcely recommend that M—— S—— should be made to dine with guardians. She would be too boisterous for the dining hall of an asylum. J—— S—— was abusive in her language to me, and C—— B—— was discontented. I could not describe the house as a first rate one, but allowance must be made for the patients. The guardians are well-meaning earnest women, who are apparently willing to continue to keep the patients, and as very few guardians would take them I am inclined to make no recommendation.—J. M.—*Board of Lunacy. Received* 17*th April*, 1901.

18*th April*, 1901.—No steps.—J. F.

19*th December*, 1901.—Bedroom 16 l. by 12 b. by 7 h.= 1,344 cubic feet.—J. F. S.—*Board of Lunacy. Received* 26*th December*, 1901.

27*th December*, 1901.—Read.—J. M.

9*th May*, 1902.—No remarks.—J. F. S.—*Board of Lunacy. Received* 21*st May*, 1902.

24*th May*, 1902.—Read.—J. F.

15*th December*, 1902.—Guardian wishes a fourth patient. Family consists of guardian, her daughter, and a delicate son. A bed in the kitchen next that of guardian and her daughter will be provided. Am disposed to recommend a license for four being granted, should inspector of poor apply for same. Of the fourth a careful selection should be made.—J. F. S.

P.S.—I found all three patients—H——, M——, being the third who came a few days ago at tea in their own room. I told guardian that if license was granted the patients must take their meals with herself and her daughter, and she agreed.—J. F. S.—*Board of Lunacy. Received* 18*th December*, 1902.

19*th December*, 1902.—Keep recommendation in view. —J. F.—(Noted in S. L. H. Register.)

19*th February*, 1903.—Guardian says she gives effect to my wish as to meals. Quarters are good.—J. F. S.—*Board of Lunacy. Received* 23*rd February*, 1903.

28*th February*, 1903.—Read.—J. F.

10*th November*, 1903.—No remarks.—J. F. S.—*Board of Lunacy. Received* 12*th November*, 1903.

13*th November*, 1903.— J. M.

14*th May*, 1904.—No remarks.—J. F. S.—*Board of Lunacy. Received* 17*th May*, 1904.

19*th May*, 1904.—Read.—J. F.

2*nd November*, 1904.—No remarks.—J. F. S.—*Board of Lunacy. Received* 8*th November*, 1904.

10*th November*, 1904.—Read.—J. F.

15*th February*, 1905.—Very good quarters.—J. F. S. —*Board of Lunacy. Received* 17*th February* 1905.

20*th February*, 1905.—Read.—J. F.

8*th December*, 1905.—J. F. S.—*Board of Lunacy. Received* 11*th December*, 1905.—J. F.

27*th February*, 1906.—C. M.—*Board of Lunacy. Received* 28*th February*, 1906.

### Case Record of M. S. or S.

| | |
|---|---|
| *County*—Fife. | *Parish of Residence*—Markinch. |
| *Name of Patient* | M. S. or S. |
| *Sex* | Female. |
| *Age of Patient in* 1887 | 40. |
| *Date of Intimation* | 2nd February, 1878 |
| *Married or Single?* | Single. |
| *Ever under Asylum Treatment?* | Yes. |
| *Date of last Removal from Asylum* | 28th May, 1887. |
| *No. of Sanction* | 7661. |
| *Parish of Liability* | Dundee. |
| *Amount of Parochial Allowance* | 6s. a week; £15 12s. a year. (1898) 6s. 6d. a week; £16 18s. a year. |
| *Degree of Relationship to the Proposed Guardian* | Stranger. |
| *Name of Guardian* | Mrs. James Houston. |
| *Residence of Guardian* | Milton of Balgonie, Markinch, S. L. H., 481 |

Not from Asylum. S. L. H. No. 481 (for 3).

EXTRACT FROM MEDICAL CERTIFICATE DATED APRIL, 1881.—"Said she could boast of the best temper in the kingdom and asked me to try her. Quiet and always wished not to be spoken to. Harmless, and not improving and cleanly in her habits."

*28th May*, 1887.—Admitted into the specially licensed house of Mrs. J.— H— upon discharge from the licensed wards of Dundee West Poorhouse, but sanction has not yet been granted, as inspector of the poor has exceeded Mrs. H—'s license by placing a third patient in her house.

*6th June*, 1887.—Wrote to inspector of poor, Dundee, saying that sanction will be granted if Deputy Commissioner reports in favour of it after his visit. Asked inspector of poor to inform the Board where the third patient is to sleep, and whether a separate bed and bed furnishings have been provided for her. Also told inspector of poor that, owing to it having been found that guardians suitable for the care of two patients are often unfit for the care of a larger number, the Board found it necessary to make it a rule not to grant a special license for the reception of more than two pauper lunatics, except on the recommendation of a deputy commissioner. Called inspector of poor's special attention to Rules II. and V. of Regulations as to Specially Licensed Houses on page 23 of "Instructions to Inspectors of Poor," and requested him to keep them carefully in view in future, and that he must make no change in the sanctioned arrangements for specially licensed houses, without having obtained the previous assent of the Board. Added that Board will not grant any new licenses to houses in Kennoway or Thornton District or sanction any addition to the number of patients already provided for there, before having a full opportunity of satisfying themselves that the number of pauper lunatics in the district is not more than is consistent with good administration. Said it will therefore be necessary for Inspector of Poor to obtain assent of Board when he contemplates making an addition to the patients in that district, whether by obtaining new licenses or otherwise.—T. W. L. S.

*7th June*, 23149, 1887.—Inspector of poor writes that in future he will act strictly in the spirit of Board's letter, and according to printed instructions. He apologises for what has occurred.

*2nd November*, 1887.—This woman is decidedly demented and not capable of any but the simplest employment. She is quiet and harmless. At times she is dazed and talks nonsense, but at others she speaks fairly sensibly. The Home is a suitable one for her.

There are no other patients at this end of a long village. The house was licensed for two, and this woman makes a third. The guardian is a widow with a grown up family, and is I think, a good guardian. She has an iron chair-bed for this woman, which I don't approve of, and I arranged with her that if she were to get an extension of her license she would get a proper iron bedstead. I recommend that in this case the Inspector of Poor be informed that an extension of the license will be given so as to legalise this patient's residence in the house.—R. L. *Board of Lunacy. Received 10th November*, 1887.

*15th November*, 1887.—Do as recommended in regard to the extension of the license—taking the course that is usual in the circumstances.—A. M.

*21st November*, 1887.—Wrote telling Inspector of Poor that Board's license is extended to three patients for Mrs. H—'s house.

*2nd February*, 1888.—Somewhat thin, and is at times fastidious about food; but fairly healthy. No mental change. The bed was provided as agreed.—R. L. *Board of Lunacy. Received 16th February*, 1888.

*16th February*, 1888.—Read.—A. M.

*22nd May*, 1888.—The guardian says that sometimes this woman is very restless and that when she is so she bustles about, and has struck the other patients. Her paroxysm seems to consist of a simple excess of nervous energy. At times she runs out with pitchers to the well and would go on carrying water till the house was flooded. The guardian says that at such times she has to prevent mischief, tied her to an arm-chair with a woollen cravat. I saw the cravat, and it and the healthy and at present happy condition of the patient showed that the amount of restraint she is subjected to is but slight. I urged the guardian to resort to this plan as little as possible, and, instead, to work off her excitement by plenty of exercise in the open air.—R. L. *Board of Lunacy. Received 28th May*, 1888.

*30th May*, 1888.—It seems to me that if it is ever necessary—that is, really necessary—to restrain a patient who is under care in a private dwelling, it should be concluded that the patient is not suited for that mode of treatment, and removal to an asylum should be called for. If restraint in unnecessarily resorted to in the case of such a patient, then the guardian should be considered an unsuitable person, and a change of guardian should be called for. I think I would very unwillingly accept anything as justifying a departure from these lines, but should like to have Dr. Lawson's views. In other words, I would like him to consider whether it would not be well to tell S—'s guardian that she must *never* restrain her ward, and that if she cannot be managed without restraint she should be sent to an asylum.—A.M.

*7th June*, 1888.—I am inclined to think that if the guardian were to be told authoritatively that the patient would be removed from her unless she discontinued her practice of fixing her when she is restless with a cravat, she would discontinue it. I think that the inspector of poor should be told that the guardian has been in the habit of tying the patient down with a woollen cravat during attacks of restlessness, that even this amount of retraint appears to be unnecessary, and that if restraint is really necessary the patient cannot be regarded as a suitable patient for treatment in a private dwelling; that he should be asked to inform the guardian that if she cannot manage the patient without fastening her the patient must be removed either to another guardian or to the asylum.—R. L.—*Board of Lunacy. Received 9th June*, 1888.

*11th June*, 1888.—Write as Dr. Lawson indicates.—J. S.

*14th June*, 1888.—Wrote.

*20th June*, 1916-88.—Inspector of poor writes: "The guardian informs me that the patient has considerably improved in her habits and that she will be able to manage her without having recourse to the mode of restraint specified."

*23rd June*, 1888.—Read.—J. S.

*22nd November*, 1888.—Was sitting at the fireside quite composed and comfortable. Satisfactory.—R. L.

*27th November*, 1888.—Read.—A. M.—*Board of Lunacy. Received 27th November*, 1888.

*20th February*, 1889.—Doing well. Never needs to be restrained in any way whatever.—R. L.—*Board of Lunacy. Received 26th February*, 1889.

*1st March*, 1889.—Read.—J. S.

*22nd November*, 1889.—Stout and healthy looking. Not nearly so restless since she began to get fatter.—R. L *Board of Lunacy. Received 28th November*, 1889.

*30th November*, 1889.—Read.—A. M.

*19th February*, 1890.—In one of her restless moods just now, but quite manageable. R. L.—*Board of Lunacy. Received 26th February*, 1890.

*28th February*, 1890.—Read.—J. S.

*16th October*, 1890.—She is now peculiar and restless on alternate days. Every other day she is quite active and cheerful. She is never visited by relatives.—R. L.—*Board of Lunacy. Received 22nd October*, 1890.

*23rd October*, 1890.—Read.—A. M.

*7th February*, 1901.—No mental change. Bodily health good. All wants supplied.—R. L.—*Board of Lunacy. Received 17th February*, 1891.

*21st February*, 1891.—Read.—J. S.

*9th February*, 1892.—Stout and well. No mental change.—R. L.—*Board of Lunacy. Received 19th February*, 1892.

*23rd February*, 1892.—Read.—A. M.

*16th November*, 1892.—No change.—R. L.—*Board of Lunacy. Received 23rd November*, 1892.

*5th December*, 1892.—Read.—J. S.

*21st February*, 1893.—Quite composed to-day and looking well and happy.—R. L.—*Board of Lunacy. Received 23rd February*, 1893.

*25th February*, 1893.—Read.—A. M.

*24th November*, 1893.—In one of her flighty moods to-day, but under no kind of restraint or seclusion, and causing no inconvenience to the guardian or her fellow-patients —R. L.—*Board of Lunacy. Received 30th November*, 1893.

5*th December*, 1893.—Read.—A. M.

7*th March*, 1894.—Is now more continually agitated and restless than she used to be. She does no harm, and her object seems to be just to tease people by laying hold of them, etc.—R. L.—*Board of Lunacy. Received* 15*th March*, 1894.

20*th March*, 1894.—Read.—J. S.

14*th August*, 1895.—Not so excited as formerly. No recommendations.—C. M.—*Board of Lunacy. Received* 19*th August*, 1895.

20*th August*, 1895.—Read.—J. S.

29*th February*, 1896.—Quieter in manner. Is suitably provided for in all respects.—J. F. S.—*Board of Lunacy. Received* 3*rd March*, 1896.

5*th March*, 1896.—Read.—J. F.

18*th December*, 1896.—An almost silent dement. Suitably provided for.—C. M.—*Board of Lunacy. Received* 23*rd December*, 1896.

24*th December*, 1896.—Read.—J. F.

29*th March*, 1897.—Mary (which is her real name) is in a very boisterous mood to-day, having long continued outbursts of laughter. She is causing no inconveniences and her guardian manages her kindly and judiciously. No recommendations.—C. M.—*Board of Lunacy. Received* 30*th March*, 1897.

2*nd April*, 1897.—Read.—J. F.

12*th November*, 1897.—No change.—C. M.—*Board of Lunacy. Received* 15*th November*, 1897.

19*th November*, 1897.—Read.—J. S.

11*th February*, 1898.—Mary is quiet to-day, but still takes boisterous turns, and has wild bursts of meaningless laughter. The guardian and the other patients are so accustomed to it that her conduct causes no annoyance, and I make no recommendations.—C. M.—*Board of Lunacy. Received* 15*th February*, 1898.

22*nd February*, 1898.—Read.—J. F.

5*th November*, 1898.—Inspector of poor intimates increase of allowance to 6s. 6d. per week.

30*th November*, 1898.—No change and no recommendations.—C. M.—*Board of Lunacy. Received* 5*th December*, 1898.

6*th December*, 1898.—Read—J. S.

14*th March*, 1899.—Boisterous but good-tempered, and is causing no annoyance. Her care is very satisfactory.—C. M.—*Board of Lunacy. Received* 20*th March*, 1899.

21*st March*, 1899.—Read.—J. F.

14*th December*, 1899.—No change and no recommendations.—C. M.—*Board of Lunacy. Received* 18*th December*, 1899.

22*nd December*, 1899.—Read.—J. M.

20*th April*, 1900.—A noisy boisterous Irishwoman. Very demented but generally good tempered. Her general health is good at present, and she appears to be well cared for.—C. M.—*Board of Lunacy. Received* 23*rd April*, 1900.

27*th April*, 1900.—Read.—J. M.

10*th October*, 1900—In good health and on the whole doing well. She is comfortably provided for and there are no recommendations.—C. M.—*Board of Lunacy. Received* 15*th October*, 1900.

17*th October*, 1900.—Read.—J. M.

11*th April*, 1901.—This woman was dining in bedroom with the other two patients. She would not eat her food (broth and bread), but tried to throw the contents of the bowl over me. She was shouting at the top of her voice and laughing. No recommendations.—J. M.—*Board of Lunacy. Received* 17*th April*, 1901.

18*th April*, 1901.—A doubtful case for a private dwelling, but no steps meanwhile.—J. F.

19*th December*, 1901.—Found patient in a quiet mood. I do not think she could be considered dangerous to the members of the family in which she resides or to her fellow patients.—J. F. S.—*Board of Lunacy. Received* 26*th December*, 1901.

27*th December*, 1901.—Read.—J. M.

9*th May*, 1902.—A "toucher" who is somewhat impulsive, but suitable so far as can be learned for a private dwelling, and it suitably provided for.—J. F. S.—*Board of Lunacy. Received* 21*st May*, 1902.

24*th May*, 1902.—Read.—J. F.

15*th December*, 1902.—Provision suitable.—J. F. S.—*Board of Lunacy. Received* 18*th December*, 1902.

19*th December*, 1902.—Read.—J. F.

19*th February*, 1903.—Doing well, in good health, and suitably provided for.—J. F. S.—*Board of Lunacy. Received* 23*rd February*, 1903.

28*th February*, 1903.—Read.—J. F.

10*th November*, 1903.—Has been fifteen years in this private dwelling, and has done well, and is suitably provided for.—J. F. S.—*Board of Lunacy. Received* 12*th November*, 1903.

13*th November*, 1903.—Read.—J. M.

14*th May*, 1904.—Provision suitable.—J. F. S.—*Board of Lunacy. Received* 17*th May*, 1904.

19*th May*, 1904.—Read.—J. F.

2*nd November*, 1904.—This chattering dement, who is both useless and helpless, is suitably provided for.—J. F. S.—*Board of Lunacy. Received* 8*th November*, 1904.

10*th November*, 1904.—Read.—J. F.

15*th February*, 1905.—Provision suitable.—J. F. S.—*Board of Lunacy. Received* 17*th February*, 1905.

20*th February*, 1905.—Read.—J. F.

8*th December*, 1905.—Provision suitable.—J. F. S.—*Board of Lunacy. Received* 11*th December*, 1905.

11*th December*, 1905.—Read.—J. F.

27*th February*, 1906.—Very insane and often noisy. but she is sensibly managed and annoys no one outside the house.—C. M.—*Board of Lunacy. Received* 28*th February*, 1906.

28*th February*, 1906.—Read.—J. M.

## Case Record of H. M.

From Asylum. S. L. H. No. 481 (for 3).

| | |
|---|---|
| *County*—Fife. | *Parish of Residence*—Markinch |
| *Name of Patient* | H. M. |
| *Sex* | Female. |
| *Age of Patient in* 1902 | 35. |
| *Date of Intimation* | 17th August, 1893. |
| *Married or Single?* | Single. |
| *Date of last Admisson to Asylum* | 17th August, 1893. |
| *Date of last Removal from Asylum* | 29th November, 1902. |
| *No. of Sanction* | 12310. |
| *Parish of Liability* | Dundee. |
| *Amount of Parochial Allowance* | 6s. 6d. weekly; £16 18s. yearly. |
| *Degree of Relationship to the proposed Guardian* | None. |
| *Name of Guardian* | Mrs. Betsy Houston. |
| *Residence of Guardian* | West End, Milton of Balgonie, S. L. H. 481. |

COPY STATEMENT BY THE PRINCIPAL MEDICAL OFFICER OF THE DUNDEE ROYAL ASYLUM.

| | |
|---|---|
| 1. Name of patient | H—— M——. |
| 2. Whether paralytic | No. |
| 3. Whether epileptic | No. |
| 4. Whether suicidal | No. |
| 5. Whether dangerous to others | No. |
| 6. Whether violent or noisy | No. |
| 7. Whether refusing food | No |
| 8. Whether of uncleanly habits either by day or night | No. |
| 9. Whether offensive to decency | No. |
| 10. Whether capable of helping in household or other work | Yes. |
| 11. Facts, if any, as regards the past history of the patient, such as indications of having been previously dangerous, which it is thought should be brought under the notice of those who are to have the charge and supervision of the patient. | The patient's mother stated that about a week before her admission she attempted to cut her throat with a knife. This suicidal element has not been shown during patient's residence here. |

(Copy Signature) JAMES RORIE,
*Principal Medical Officer.*

Date, 14*th November*, 1902.

19*th February*, 1903.—This patient was seen by me in December last. She is a dement who talks a good deal. Her conversation is incoherent at times. She has the delusion moreover that she is *enceinte*. No suicidal tendency has been noted, and there was nothing in her expression to indicate depression. A comfortable bed in provided, and the care may be accepted as satisfactory.—J. F. S.—*Board of Lunacy. Received* 23*rd February*, 1903.

28*th February*, 1903.—Read.—J. F.

10*th November*, 1903.—Was seen in bed. She has taken to bed for a few days as "she expects to be confined." Is discontented, and anxious to get back to her friends. The home is a good one and the provision suitable.—J. F. S.—*Board of Lunacy. Received* 12*th November*, 1903.

13*th November*, 1903.—Read.—J. M.

14*th May*, 1904.—Provision suitable.—J. F. S.—*Board of Lunacy. Received* 17*th May*, 1904.

19*th May*, 1904.—Read.—J. F.

2*nd November*, 1904.—More settled in manner than she was a year ago. She is diligent with the wires, and is suitably provided for.—J. F. S.—*Board of Lunacy. Received* 8*th November*, 1904.

10*th November*, 1904.—Read.—J. F.

15*th February*, 1905.—Provision suitable.—J. F. S.—*Board of Lunacy. Received* 17*th February*, 1905.

20*th February*, 1905.—Read.—J. F.

8*th December*, 1905.—A first-rate knitter who is suitably provided for.—J. F. S.—*Board of Lunacy. Received* 11*th December*, 1905.

11*th December*, 1905.—Read.—J. F.

27*th February*, 1906.—Continues to do well and is suitably provided for.—C. M.—*Board of Lunacy. Received* 28*th February*, 1906.

28*th February*, 1906.—Read.—J. M.

CASE RECORD OF J. S. OR S.

Not from Asylum. S. L. H. No. 481 (for 3).

| | |
|---|---|
| *County*—Fife. | *Parish of Residence*—Markinch. |
| *Name of Patient* | J. S. or S. |
| *Sex* | Female. |
| *Age of Patient in* 1893 | 54. |
| *Date of Intimation* | 10th November, 1884. |
| *Married or Single?* | Married. |
| *Ever under Asylum Treatment?* | Yes. |
| *Date of last Removal from Asylum* | 22nd May, 1893. |
| *No. of Sanction* | 9505. |
| *Parish of Liability* | Dundee. |
| *Amount of Parochial Allowance* | (1898) 6s. 6d. a week; £16 18s. a year |
| *Degree of Relationship to the Proposed Guardian* | Stranger. |
| *Name of Guardian* | Mrs. Houston. |
| *Residence of Guardian* | Milton of Balgonie, S. L. H. 481. |

EXTRACTS FROM MEDICAL CERTIFICATES, NOVEMBER, 1884.—Thinks that people in the garret above pour down poison upon her head. Has the delusions that she hears people in Australia speaking to her. Often becomes outrageous and beyond control.

22*nd May*, 1893.—Became single patient upon removal from the licensed wards of Dundee West Poorhouse.

21*st November*, 1893.—A strong energetic woman who works actively at housework, but stops every now and then to give loud but inoffensive expression to her delusions. She mistakes identities and disowns her own name. At night she talks and sings for a bit and then goes off quietly to sleep. She gets on well amongst the other patients, and is tractable and not disposed to wander.—R. L.—*Board of Lunacy. Received* 30*th November*, 1893.

4*th December*, 1893.—Read.—A. M.

7*th March*, 1894.—Very demented and full of strange notions; but amiable and kindly.—R. L.—*Board of Lunacy. Received* 15*th March*, 1894.

20*th March*, 1894.—Read.—J. S.

14*th August*, 1895.—No change; no recommendations. C. M.—*Board of Lunacy. Received* 19*th August*, 1895.

20*th August*, 1895.—Read.—J. S.

29*th February*, 1896.—Suitably provided for.—J. F. S.—*Board of Lunacy. Received* 8*th March*, 1896.

3*rd March*, 1896.—Read.—J. F.

18*th December*, 1896.—Very demented and full of delusions. Calls herself Kinloch of Kinloch. Well cared for.—C. M.—*Board of Lunacy. Received* 23*rd December*, 1896.

24*th December*, 1896.—Read.—J. F.

29*th March*, 1897.—No mental or bodily change.—C. M.—*Board of Lunacy. Received* 30*th March*, 1897

*2nd April*, 1897.—Read.—J. F.

*12th November*, 1897.—Talkative, full of delusions, and easily irritated. Her guardian knows her ways and manages her with tact.—C. M.—*Board of Lunacy. Received 15th November*, 1897.

*19th November*, 1897.—Read.—J. S.

*11th February*, 1898.—No change.—C. M.—*Board of Lunacy. Received 15th February*, 1898.

*22nd February*, 1898.—Read.—J. F.

*5th November*, 1898.—Inspector of poor intimates increase of allowance to 6s. 6d. per week.

*30th November*, 1898.—Doing well at present. No recommendations.—*Board of Lunacy. Received 5th December*, 1898.

*6th December*, 1898.—Read.—J. S.

*14th March*, 1899.—Found busy at the washing tub. She is in good health but still has delusions of identity. She is well cared for and is pleased with her home.—C. M. —*Board of Lunacy. Received 20th March*, 1899.

*21st March*, 1899.—Read.—J. F.

*14th December*, 1899.—Doing well.—No recommendations.—C. M.—*Board of Lunacy. Received 18th December*, 1899.

*22nd December*, 1899.—Read.—J. M.

*20th April*, 1900.—Irritable at times, when she swears a good deal. She has delusions about money matters. Generally she is active and useful and has been a kind and attentive nurse to her fellow patient, Mrs. P——. She has a very good home.—C. M.—*Board of Lunacy. Received 23rd April*, 1900.

*27th April*, 1900.—Read.—J. M.

*10th October*, 1900.—No change and no recommendations. —C. M.—*Board of Lunacy. Received 15th October*, 1900.

*17th October*, 1900.—Read.—J. M.

*11th April*, 1901.—Guardian informed me that patient is useful and very friendly with herself. She swore at me profusely and expressed various delusions. I should think, judging from her appearance, that she is suitably fed and that she is able to look after her own interests in the household.—J. M.—*Board of Lunacy. Received 17th April*, 1901.

*18th April*, 1901.—Read.—J. F.

*19th December*, 1901.—The only patient of the three who is useful. Provision suitable.—J. F. S.—*Board of Lunacy. Received 26th December*. 1901.

*27th December*, 1901.—Read.—J. M.

*9th May*, 1902.—Provision suitable.—J. F. S.—*Board of Lunacy. Received 21st May*, 1902.

*24th May*, 1902.—Read.—J. F.

*16th December*, 1902.—Provision suitable.—J. F. S.—*Board of Lunacy. Received 18th December*, 1902.

*19th December*, 1902.—Read.—J. F.

*19th February*, 1903.—In good health, doing well, and suitably provided for.—J. F. S.—*Board of Lunacy. Received 23rd February*, 1903.

*28th February*, 1903.—Read.—J. F.

*10th November*, 1903.—Provision suitable.—J. F. S.—*Board of Lunacy. Received 12th November*, 1903.

*13th November*, 1903.—Read.—J. M.

*14th May*, 1904.—Provision suitable.—J. F. S.—*Board of Lunacy. Received 17th May*, 1904.

*19th May*, 1904.—Read.—J. F.

*2nd November*, 1904.—Healthy, useful, and suitably provided for.—J. F. S.—*Board of Lunacy. Received 8th November*, 1904.

*10th November*, 1904.—Read.—J. F.

*15th February*, 1905.—Provision suitable.—J. F. S.—*Board of Lunacy. Received 17th February*, 1905.

*20th February*, 1905.—Read.—J. F.

*8th December*, 1905.—Provision suitable.—J. F. S.—*Board of Lunacy. Received 11th December*, 1905.

*11th December*, 1905.—Read.—J. F.

*27th February*, 1906.—A dour, sullen-looking woman who regards everyone coming to the house with suspicion, and sometimes gives expression to her opinions in language more pointed than polite. But she is useful in the house and quite friendly with the guardian. She is in good health and well clad.—C. M.—*Board of Lunacy. Received 28th February*, 1906.

*28th February*, 1906.—Read.—J. M.

## 2. SPECIALLY LICENSED HOUSE OF MRS. ARCHIBALD ADAMS, LESMAHAGOW.

*County*—Lanark. *Parish in which situated*—Lesmahagow.

| | |
|---|---|
| *Specially Licensed House of* | Mrs. Archibald Adams. |
| *Address* | Dublin Rows, Kirkfieldbank, Lesmahagow. |
| *Applicant for Licence* | The Inspector of Poor, Glasgow. |
| *Date when granted* | 7th December, 1897. |
| *Number in Register* | 1192. |
| *Number for which licensed* | 4. |

PATIENTS RESIDENT, AND PARISHES OF CHARGEABILITY.

A. B., chargeable to Glasgow.
E. Y. or S., chargeable to Glasgow.
H. McF., chargeable to Glasgow.
A. McG., chargeable to Glasgow.

GENERAL REPORTS, MINUTES, &c.

*28th December*, 1898.—Two patients sleep in a room of 784 cubic feet capacity (14 l. by 7 b. by 8 h.), the third occupies a small room. They all feed at the same table and have the free run of the house, which is a commodious one. There is no family, husband and guardian being the sole occupants. Guardian wishes a fourth. Provided a suitable patient is got, and a new stair takes the place of the present break-neck one, which one of the three who sleeps upstairs has difficulty in scaling, it might be favourably considered. The room upstairs is 15 l. by 7 b. by 7 h. = 735 cubic feet. She is agreeable to put in a new stair if a fourth is granted. Am disposed to recommend it on the two conditions referred to being given effect to.—J. F. S.

*4th January*, 1899.—I do not think the Board should recommend the introduction of a fourth patient—J. S.

*6th January*, 1899.—That was not the idea, but rather that if the inspector of poor asked for a licence for four it should be granted on the ground that the sleeping accommodation of the third would be vastly improved by the addition of a new stair, and the occupancy of a better room.—J. F. S.

*9th January*, 1899.—No steps at present.—J. S.

*29th March*, 1899.—A new wooden stair now gives access to the attic room of 735 cubic feet. Found attic unoccupied and the three patients in the room on the ground floor of 784 cubic feet capacity, one sleeping on a mattress on the floor, the excuse given being that patient might fall out of bed at night. This is not likely, the truer explanation being that three bedsteads could not be set up in the small room. One of the patients is to be removed to the room upstairs, now reached by a safe stair. Guardian still speaks of a fourth, but meanwhile I am not disposed to recommend it.—J. F. S.

*8th April*, 1899.—No steps. Dr. Sutherland makes no recommendation as to a bedstead for the patient who sleeps on the floor.—J. F.

*28th November*, 28606/1899.—Inspector of poor writes that he has received a letter from Mrs. A. in which she states that in a conversation she had with deputy commissioner he had stated that if she put a new stair leading from the first floor to the second that it would be possible that he would have no objections to her receiving another patient. If this is so, inspector of poor asks if Board would grant an extended licence necessary for such a step.

*30th November*, 1899.—Send to Dr. Sutherland.—T. W. L. S.

*Eo die* sent Dr. Sutherland.

*4th December*, 1899.—Provided the fourth is in all respects a suitable patient I am disposed to accede to a

licence for four. The introduction of the new stair at some expense to guardian improved vastly the position of all three. Regarding Commissioner Fraser's minute of 8th April, I should say there was no need of recommending a bedstead as there was one in the attic room to which she was to be removed after my visit.—J. F. S.—*Board of Lunacy. Received 5th December*, 1899.

*8th December*, 1899.—Grant extension.—J. M.

*18th December*, 1899.—Wrote that Board will sanction reception of a fourth patient who should be carefully selected.

(Note extension of licence to four). T. W. L. S.

Noted.

*19th December*, 1899.—No remarks.—J. F. S.

*28th December*, 1899.—Read.—J. M.

*25th April*, 1900.—In this special licensed house for four, two of the patients feed at same table as guardian, who has no family, two do not, one being bed-ridden, and the other disgusting at meals. Two sleep in a tidy room of 784 cubic feet, one in an attic room of 730 cubic feet, and one on a sofa in a commodious kitchen, guardian herself occupying the bed in the kitchen. Guardian's sole work is looking after her four charges, and she does it well.—J. F. S.

*3rd May*, 1900.—Satisfactory.—J. F.

*14th December*, 1900.—The sofa bed is no longer in use. The patient who slept in it—A. B.—has now been provided with a bed in an attic room 12 l. by 8 b. by 6 h.—J. F. S.

*28th December*, 1900.—Read.—J. M.

*19th February*, 1901.—A comfortable house and a kindly guardian. One patient is always in bed and another (B.) is too degraded in her habits to sit at table properly. A. M. takes all her meals at guardian's table, and Mrs. S. does so occasionally. The patients receive a great deal of attention and are almost constantly in the guardian's society.—C. M.

*25th February*, 1901.—Read.—J. F.

*18th October*, 1901.—Very satisfactory.—C. M.—*Board of Lunacy. Received 25th October*, 1901.

*28th October*, 1901.—Read.—J. F.

*25th February*, 1902.—No change.—C. M.—*Board of Lunacy. Received 27th February*, 1902.

*27th February*, 1902.—Read.—J. M.

*17th September*, 1902.—Satisfactory.—C. M.—*Board of Lunacy. Received 19th September*, 1902.

*23rd September*, 1902.—Read.—J. F.

*19th February*, 1903.—No change.—C. M.—*Board of Lunacy. Received 20th February*, 1903.

*23rd February*, 1903.—Read.—J. F.

*5th November*, 1903.—No change.—C. M.—*Board of Lunacy. Received 9th November*, 1903.

*12th November*, 1903.—Read.—J. M.

*17th March*, 1904.—A most satisfactory house.—C. M.—*Board of Lunacy. Received 21st March*, 1904.

*23rd March*, 1904.—Read.—J. F.

*30th November*, 1904.—C. M.—*Board of Lunacy. Received 5th December*, 1904.

*7th December*, 1904.—J. M.

*22nd March*, 1905.—C. M.—*Board of Lunacy. Received 25th March*, 1905.

*4th October*, 1905.—C. M.—*Board of Lunacy. Received 9th October*, 1905.

*27th March*, 1906.—J. F. S.—*Board of Lunacy. Received 20th March*, 1906.—J. F.

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CASE RECORD OF A. B.

From Asylum. S. L. H. 1192, (for 4).

| | |
|---|---|
| *County*—Lanark. | *Parish of Residence*—Lesmahagow. |
| *Name of Patient* | A. B. |
| *Sex* | Female. |
| *Age of Patient in* 1898 | 36. |
| *Date of Intimation* | 9th September, 1881 |
| *Married or Single?* | Single. |
| *Date of last Admission to Asylum* | 15th May, 1897 |
| *Date of last Removal from Asylum* | 4th July, 1898. |
| *No. of Sanction* | 11,074. |
| *Parish of Liability* | Glasgow. |
| *Amount of Parochial Allowance* | 9s. weekly, £23 8s. yearly. |
| *Degree of Relationship to the proposed Guardian* | Stranger. |
| *Name of Guardian* | Mrs. Archibald Adams. |
| *Residence of Guardian* | Dublin Rows, Kirkfieldbank, S. L. H. 1192. |

COPY STATEMENT BY THE PRINCIPAL MEDICAL OFFICER OF THE GLASGOW DISTRICT ASYLUM.

From Asylum. S. L. H. 1192, (for 4).

| | |
|---|---|
| 1. Name of patient | A.B. |
| 2. Whether paralytic | No. |
| 3. Whether epileptic | No. |
| 4. Whether suicidal | No. |
| 5. Whether dangerous to others | No. |
| 6. Whether violent or noisy | No. |
| 7. Whether refusing food | No. |
| 8. Whether of uncleanly habits either by day or night | At one time was, but is not so now. |
| 9. Whether offensive to decency | No. |
| 10. Whether capable of helping in household or other work | Very little. |
| 11. Facts, if any, as regards the past history of the patient, such as indications of having been previously dangerous, which it is thought should be brought under the notice of those who are to have the charge and supervision of the patient | None; patient is quiet and harmless, and good-natured. |

(Copy Signature) L. R. OSWALD.
*Principal Medical Officer.*

Date *6th July*, 1898.

*4th November*, 1886.—Became single patient upon removal from Glasgow Parochial Asylum.

"She is nearly idiotic; screams wildly without apparent cause; tries to bite and is dangerous. I could not induce her to answer any question."—*Medical Certificates September*, 1881.

*23rd February*, 1887.—Idiotic but clean in her habits. She screams a good deal and is rather restless at night. On the whole, however, she is a suitable patient, and has a suitable home.—R. L.—*Board of Lunacy. Received, 3rd March*, 1887.

*4th March*, 1887.—Read.—J. S.

*4th November*, 1887.—Doing well. She is somewhat messy at night, slavering on the pillow and such like. Notwithstanding that, at my last visit, I remonstrated about her sharing a bed with another woman and I was promised that each patient would have a bed to herself. I again find that H. M. is occupying the same bed as this idiot girl. I recommend that the inspector of poor be informed that unless each patient in this house is provided with a bed for herself the licence will be reduced to one for three, and the removal of one of the patients will be required. His attention should be drawn to the letter addressed to him on 16th October, 1886, and he should be told that to prevent the discomfort of the patients, and the risk of sending more patients into a house and a neighbourhood than is judicious, this rule must be strictly enforced unless where an exception is made by the special permission of the Board.—R. L.—*Board of Lunacy. Received 10th November*, 1887.

*5th December*, 1887.—Inform inspector of poor that this patient who sleeps with H. M. must, in consequence of her habits and condition, be provided with a separate bed, and remind him of Board's letter of 18th October, 1886, on the subject generally of separate beds for patients in private dwellings.—A. M.

*5th December*, 1887.—Wrote.

*19th December*, 466/1887.—Inspector of poor has a letter from Mrs. J. W. saying that her patients have been provided "with separate beds and are very comfortable."

*20th December*, 1887.—Read.—J. S.

*23rd February*, 1888.—Now sleeps by herself. In good condition mentally, and physically she is somewhat improved.—R. L.—*Board of Lunacy. Received 6th March*, 1888.

*6th March*, 1888.—Read.—J. S.

*25th October*, 1888.—Doing well, no requirements. R. L.—*Board of Lunacy. Received 30th October*, 1888.

*2nd November*, 1888.—Read.—J. S.

*20th March*, 1889.—Doing well. Suitably provided for.—R. L.—*Board of Lunacy. Received 26th March*, 1889.

*28th March*, 1889.—Read.—J. S.

*12th November*, 1889.—Suitably provided for. Bodily health good.—R. L.—*Board of Lunacy. Received 19th November*, 1889.

*19th November*, 1889.—Read.—J. S.

*27th February*, 1890.—Imbecile but clean.—R. L.—*Board of Lunacy. Received 4th March*, 1890.

*5th March*, 1890.—Read.—J. S.

*9th October*, 1890.—No change. Suitably provided for.—R. L.—*Board of Lunacy. Received 15th October*, 1890.

*15th October*, 1890.—Read.—A. M.

*21st March*, 1891.—Stout and in good health. Well nursed and cheerful.—R. L.—*Board of Lunacy. Received 25th March*, 1891.

*3rd April*, 1891.—Read.—J. S.

*23rd October*, 1891.—Well attended to.—R. L.—*Board of Lunacy. Received 26th October*, 1891.

*27th October*, 1891.—Read.—J. S.

*14th April*, 1892.—No change.—R. L.—*Board of Lunacy. Received 20th April*, 1892.

*22nd April*, 1892.—Read.—J. S.

*5th November*, 1892.—No change.—R. L.—*Board of Lunacy. Received 9th November*, 1892.

*9th November*, 1892.—Read.—J. S.

*20th June*, 1893.—Degraded and useless; but comfortably kept.—R. L.—*Board of Lunacy. Received 23rd June*, 1893.

*30th June*, 1893.—Read.—A. M.

*25th November*, 1893.—Well attended to. All wants supplied.—R. L.—*Board of Lunacy. Received 30th November*, 1893.

*1st December*, 1893.—Read.—A. M.

*23rd March*, 1894.—No change. Useless, but well attended to.—R. L.—*Board of Lunacy. Received 27th March*, 1894.

*28th March*, 1894.—Read.—J. S.

*September 11th*, 1895.—Well looked after in every way. Health good.—*Board of Lunacy. Received 17th September*, 1895.—J. B. T.

*18th September*, 1895.—Read.—J. F.

*9th May*, 1896.—No change. See C. R. of H—— M——. —C. M.—*Board of Lunacy. Received 26th May*, 1896.

*28th May*, 1896.—V. C. recommends the licence to be reduced to two when vacancies occur, the room for patients being only sufficient for two.—J. F.

*30th December*, 1896.—No change.—C. M.—*Board of Lunacy. Received, 6th January*, 1897.

*18th January*, 1897.—Read.—J. S.

*1st April*, 1897.—Useless and requires much attention. She is sometimes noisy at night but not so much so as when first boarded out.—C. M.—*Board of Lunacy. Received 5th April*, 1897.

*7th April*, 1897.—Read.—J. F.

*21st May*, 1897.—Inspector of poor intimates patient's removal to Glasgow District Asylum on the 15th instant.

*24th May*, 1897.—Read.—J. S.

*4th July*, 1898.—Again became single patient upon removal from Glasgow District Asylum.

*28th December*, 1898.—Sleeps upstairs in a room reached by a break-neck kind of a stair which guardian is agreeable to replace if she got a fourth to share this room of 735 cubic feet capacity. Habits at night have greatly improved, but she is now said to be destructive of bedclothes at night. Care is satisfactory.—J. F. S.—*Board of Lunacy. Received 4th January*, 1899.

*29th March*, 1899.—Found this patient sharing the room of the other two which is too small, having only a cubic capacity of 784 cubic feet. This is to be rectified at once, one of the three going to the attic room. Otherwise is suitably provided for.—J. F. S.—*Board of Lunacy Received 4th April*, 1899.

*8th April*, 1899.—Read.—J. F.

*19th December*, 1899.—Suitably provided for, and having a bed in an attic room of 735 cubic feet.—J. F. S.—*Board of Lunacy. Received 26th December*, 1899.

*28th December*, 1899.—Read.—J. M.

*25th April*, 1900.—This patient sleeps on a sofa in kitchen. Owing to disgusting habits at meals she does not partake of meals at same table as guardian. Care continues satisfactory.—J. F. S.—*Board of Lunacy. Received 2nd May*, 1900.

*3rd May*, 1900.—The sofa, it is concluded, forms a comfortable bed. My experience of hotel sofas is the reverse.—J. F.

*14th December*, 1900.—Patient has now a comfortable bed in an attic room, 12 l. by 8 b. by 6 h. = 576 cubic feet, and is otherwise suitably provided for.—J. F. S.—*Board of Lunacy. Received 18th December*, 1900.

*28th December*, 1900.—Read.—J. M.

*19th February*, 1901.—Patient looks better than she did when I last saw her four years ago, but still requires constant attention. She is sometimes noisy, but the other patients say she does not disturb them. She is, I think, in a *good home and bears every indication of intelligent care.*—C. M.—*Board of Lunacy. Received 22nd February*, 1901.

*25th February*, 1901.—Read.—J. F.

*18th October*, 1901.—No mental or bodily change. Care continues satisfactory. She is under careful and kindly guardianship.—C. M.—*Board of Lunacy. Received 25th October*, 1901.

*25th October*, 1901.—Read.—J. F.

*25th February*, 1902.—Stout and healthy looking, but very clumsy in her movements. She is now said to be quite cleanly, and the conditions of her bed confirms the statement. She is under good and kindly guardianship.—C. M.—*Board of Lunacy. Received 27th February*, 1902.

*27th February*, 1902.—Read.—J. M.

*17th September*, 1902.—Continues to do well, and is well cared for. No recommendations.—C. M.—*Board of Lunacy. Received 19th September*, 1902.

*23rd September*, 1902.—Read.—J. F.

*19th February*, 1903.—Care continues satisfactory and there are no recommendations.—C. M.—*Board of Lunacy. Received 20th February*, 1903.

*23rd February*, 1903.—Read.—J. F.

*5th November*, 1903.—Very delicate and has been very helpless for several months. She has been well nursed and

is now improving, and bears every evidence of kindly and intelligent care.—C. M.—*Board of Lunacy. Received 9th November*, 1903.

*12th November*, 1903.—Read.—J. M.

*17th March*, 1904.—A very helpless patient, excellently cared for.—C. M.—*Board of Lunacy. Received 21st March*, 1904.

*23rd March*, 1904.—Read.—J. F.

*30th November*, 1904.—Very demented. She requires and gets a great deal of attention.—C. M.—*Board of Lunacy. Received 5th December*, 1904.

*7th December*, 1904.—Read.—J. M.

*22nd March*, 1905.—No change.—C. M.—*Board of Lunacy. Received 25th March*, 1905.

*27th March*, 1905.—Read.—J. M.

*24th May*, 1905.—Inspector of poor, Glasgow, intimates that as patient requires more attention the weekly allowance has been increased from 8s. to 9s.

*4th October*, 1905.—Very helpless and demented. Care continues to be very satisfactory.—C. M.—*Board of Lunacy. Received 9th October*, 1905.

*9th October*, 1905.—Read.—J. M.

*27th March*, 1906.—Provision very suitable.—J. F. S.—*Board of Lunacy. Received 29th March*, 1906

*29th March*, 1906.—Read.—J. F.

## Case Record of H. McF.

From Asylum. S. L. H. No. 1192 (for 4.)

| | |
|---|---|
| *County*—Lanark. | *Parish of Residence*—Lesmahagow. |
| *Name of Patient* | H. McF. |
| *Sex* | Female. |
| *Age of Patient in* 1904 | 69. |
| *Date of Intimation* | 2nd April, 1901. |
| *Married or Single?* | Single. |
| *Date of last Admission to Asylum* | 2nd April, 1901. |
| *Date of last Removal from Asylum* | 24th May, 1904. |
| *No. of Sanction* | 12,747. |
| *Parish of Liability* | Glasgow. |
| *Amount of Parochial Allowance* | 7s. weekly, £18 4s. yearly. |
| *Degree of Relationship to the proposed Guardian* | None. |
| *Name of Guardian* | Mrs. Archibald Adams. |
| *Residence of Guardian* | Dublin Row, Kirkfieldbank, S. L. H. 1,192. |

### Copy Statement by the Principal Medical Officer of the Glasgow District Asylum, Gartloch.

| | |
|---|---|
| 1. Name of patient | H. McF. |
| 2. Whether paralytic | No. |
| 3. Whether epileptic | No. |
| 4. Whether suicidal | No. |
| 5. Whether dangerous to others | No. |
| 6. Whether violent or noisy | No. |
| 7. Whether refusing food | No. |
| 8. Whether of uncleanly habits either by day or night | No. |
| 9. Whether offensive to decency | No. |
| 10. Whether capable of helping in household or other work | Yes. |
| 11. Facts, if any, as regards the past history of the patient, such as indications of having been previously dangerous, which it is thought should be brought under the notice of those who are to have the charge and supervision of the patient | |

(Copy Signature) W. A. Parker.
*Principal Medical Officer.*

Date, *25th May*, 1904.

*30th November*, 1904.—This old woman did very well since coming here and was useful about the house, and used to go regularly to church with guardian, but about four weeks ago she had influenza and is still in bed. She is in a condition of melancholia with some excitement and has delusions. She says she cannot get up, that she is 120 years old, that her father and mother are in the house, etc. She is being very well looked after by guardian, and I have seen the medical officer and discussed treatment with him. She will probably soon get back to her usual mental state and there is no need for any interference.—C. M.—*Board of Lunacy. Received 5th December*, 1904.

*7th December*, 1904.—Read.—J. M.

*22nd March*, 1905.—Very much improved.—She is now bright and cheerful and inclined to be hilarious. She is in a good home and very well cared for.—C. M.—*Board of Lunacy. Received 25th March*, 1905.

*27th March*, 1905.—Read.—J. M.

*4th October*, 1905.—No change.—C. M.—*Board of Lunacy. Received 9th October*, 1905.

*9th October*, 1905.—Read.—J. M.

*27th March*, 1906.—Provision very suitable.—J. F S.—*Board of Lunacy. Received 29th March*, 1906.

*29th March*, 1906. —Read.—J. F.

## Case Record of A. McG.

| | |
|---|---|
| *County*—Lanark | *Parish of Residence*—Lesmahagow. |
| *Name of Patient* | A. McG. |
| *Sex* | Female. |
| *Age of Patient in* 1906 | 20. |
| *Date of Intimation* | 12th February, 1906. |
| *Married or Single?* | Single. |
| *Ever under Asylum Treatment?* | No. |
| *Date of last Removal from Asylum* | — |
| *No. of Sanction* | 13,303. |
| *Parish of Liability* | Glasgow |
| *Amount of Parochial Allowance* | 7s. weekly, £18 4s. yearly. |
| *Degree of Relationship to the proposed Guardian* | None. |
| *Name of Guardian* | Mrs. Archibald Adams. |
| *Residence of Guardian* | Dublin Rows, Kirkfieldbank, S.L.H. 1,192. |

ROYAL COMMISSION ON THE CARE AND CONTROL OF THE FEEBLE-MINDED, ETC.

EXTRACT FROM THE STATEMENT BY THE INSPECTOR OF POOR ON FORM D.

| | |
|---|---|
| 1 Name of patient | A. McG. |
| 2. Whether paralytic | No. |
| 3. Whether epileptic | No. |
| 4. Whether suicidal | No. |
| 5. Whether dangerous to others | No. |
| 6. Whether violent or noisy | No. |
| 7. Whether refusing food | No. |
| 8. Whether of uncleanly habits either by day or night | No. |
| 9. Whether offensive to decency | No. |
| 10. Whether known to be a parent | No. |
| 11. Whether capable of helping in household or other work | Yes. |

Date, 13*th February*, 1906.

EXTRACTS FROM MEDICAL CERTIFICATES, FEBRUARY, 1906.—She is weak minded, being dull and apathetic in manner and appearance, and being defective in general intelligence, in capacity of conducting herself properly. She is quiet and easily managed and free from objectionable habits.

27*th March*, 1906.—I take it that this female was one of 200 resident in Barnhill Poorhouse whom inspector of poor, Glasgow, intends to have certified soon, and placed in licensed wards or boarded out. She is certifiable, being "soft," and imbecile. Palate is narrow and vaulted. She is stout, healthy, and of pleasing appearance. Warned guardian of sexual risk. Provision is very suitable.—J. F. S.—*Board of Lunacy. Received* 29*th March*, 1906.

29*th March*, 1906.—Read.—J. F.

CASE RECORD OF E. Y. OR S.

From Asylum. S. L. H. No. 1192, (for 4.)

*County*—Lanark. *Parish of Residence*—Lesmahagow.

| | |
|---|---|
| *Name of Patient* | E. Y. or S |
| *Sex* | Female. |
| *Age of Patient in* 1898 | 36. |
| *Date of Intimation* | 18th July, 1886 |
| *Married or Single?* | Married. |
| *Date of last Admission to Asylum* | 16th December, 1896. |
| *Date of last Removal from Asylum* | 7th July, 1898. |
| *No. of Sanction* | 11,080. |
| *Parish of Liability* | Glasgow. |
| *Amount of Parochial Allowance* | 7s. weekly, £18 4s. yearly. |
| *Degree of Relationship to the proposed Guardian* | Stranger. |
| *Name of Guardian* | James Fraser. |
| *Residence of Guardian* | Chestnut Cottage, Hazelbank. |

3*rd April*, 1900.—Now with Mrs. Archibald Adams, Kirkfieldbank, Lesmahagow, S. L. H. 1,192.

COPY STATEMENT BY THE PRINCIPAL MEDICAL OFFICER OF THE GLASGOW DISTRICT ASYLUM.

| | |
|---|---|
| 1. Name of patient | E. Y. or S. |
| 2. Whether paralytic | No. |
| 3. Whether epileptic | No. |
| 4. Whether suicidal | No. |
| 5. Whether dangerous to others | No. |
| 6. Whether violent or noisy | No |
| 7. Whether refusing food | No. |
| 8. Whether of uncleanly habits either by day or night | Not while here; requires a little looking after |
| 9. Whether offensive to decency | No. |
| 10. Whether capable of helping in household or other work | Yes, when she likes. |
| 11. Facts, if any, as regards the past history of the patient, such as indications of having been previously dangerous, which it is thought should be brought under the notice of those who are to have the charge and supervision of the patient | None. |

(Copy Signature) L. R. OSWALL.
*Principal Medical Officer.*

Date, 11*th July*, 1898.

28*th December*, 1898.—An alcoholic dement whose habits are somewhat dirty, but is said to be improving. If these habits are not entirely corrected she should not be allowed to share M. C.'s bed. Is giving to swearing at times, but is useful in small ways, and rocks the cradle. Is unwell every month. Warned guardian of sexual risk. Takes her meals with other patient in bedroom 12 l. by 10 b. by 8 h. = 960 cubic feet. It could not be otherwise, there being in this house, licensed for two patients, a young family of six, the eldest thirteen, and youngest three months. Attached to house is an orchard of one acre, in which patient takes exercise. Care is satisfactory, but I have the feeling that the family is both too young and too large to admit some of the main conditions of a licence being given effect to.—J. F. S.—*Board of Lunacy. Received 4th January*, 1899.

4*th January*, 1899.—Write calling for provision of separate beds.—J. S.

10*th January*, 1899.—Wrote.

14*th January*, 27136/1899.—Inspector of poor replies that he has instructed guardian to make the necessary arrangements suggested by Board.

19*th January*, 1899.—Read. J. S.

31*st January*, 27216/1899.—Inspector of poor replies further intimating that Board's instructions have been carried out.

1*st February*, 1899.—Read.—J. F.

30*th March*, 1899.—Found her diligently scrubbing floor. At the menstrual period she has "high turns," but on the whole is easily managed and coaxed. The separate beds are on the eve of being provided. No steps.—J. F. S.—*Board of Lunacy. Received 4th April*, 1899.

6*th April*, 1899.—Read.—J. F.

19*th December*, 1899.—Guardian says she still has "high turns," when she uses obscene language, and shouts at the pitch of her voice. She was quiet when I saw her. Guardian is not anxious to keep her, which is not to be wondered at. Such a patient is objectionable to another decent patient as well as to the members of a respected family. Inform inspector of poor of what guardian told Deputy-Commissioner so that the matter may have his attention at next visit.—J. F. S.—*Board of Lunacy. Received 26th December*, 1899.

27*th December*, 1899.—Write to inspector of poor, and inform him that guardian complains of language of patient. Ask him to make inquiries at his next visit as to suitability of patient for this or any other private dwelling.—J. M.

29*th December*, 1899.—Wrote to inspector of poor that deputy-Commissioner reports that the language used by the patient sometimes is such as to make it undesirable that she should be boarded in a house in which there are children, and that the guardian seems disinclined to keep her. Requested him to make inquiries as suggested as to whether the habit referred to unfits her for this house, or for private care unless in special surroundings.

(It should not be forgotten that there are "decent" patients, and others, in asylums as well as in private dwellings, and that removal to the asylum will not impose silence upon her evil tongue.)—T. W. L. S.

2*nd January*, 28772-1900.—Inspector of poor replies that the matter will have his attention the first time the patient is visited.

3*rd January*, 1900.—Keep in view.—J. F.

12*th April*, 1900.—Inspector of poor of date 4th April intimates "that patient has been removed to care of Mrs. A. A. (specially licensed house 1,192) at D——, R——, K——, Lesmahagow, on 3rd instant. Former guardian's house is being renovated, and he requested patient's removal."—J. F. S.—*Board of Lunacy. Received, 2nd May*, 1900.

25*th April*, 1900.—I have the feeling that whether in a private dwelling or in an asylum no decent, well-behaved, and sensitive patient should be placed alongside of a swearer. If segregation cannot be effected such a patient should be placed among those who either do not understand the significance of oaths, or are not disturbed by them. In her new quarters the habit is not bad, evidently, so it may be that the children of former home upset her. In this specially licensed house there are no children. This patient and A. M. take their meals at same table as guardian, the other two do not, one being bed-ridden, and the other has habits of a somewhat disgusting nature when feeding. Care continues satisfactory. Patient sleeps in attic room, which was clean, and had a comfortable bed. J. F. S.—*Board of Lunacy. Received 2nd May*, 1900.

3*rd May*, 1900—Read.—J. F.

Change of residence sanctioned.

14*th December*, 1900.—Is suitably provided for in all respects.—J. F. S.—*Board of Lunacy. Received* 18*th December*, 1900.

28*th December*, 1900.—Read.—J. M.

19*th February*, 1901.—Very confused mentally, and talks a lot of nonsense. Can knit fairly well. General health is good, and she appears to be well-cared for and much in the society of the guardian.—C. M.—*Board of Lunacy. Received 22nd February*, 1901.

25*th February*, 1901.—Read.—J. F.

18*th October*, 1901.—Still occasionally excited and noisy, but seems on the whole to have changed for the better since she has been in this house. Her care is very satisfactory. —C. M.—*Board of Lunacy. Received 25th October*, 1901.

28*th October*, 1901.—Read.—J. F.

25*th February*, 1902.—Doing better. Periods of excitement are less frequent and she makes herself useful and is generally agreeable in the house.—C. M.—*Board of Lunacy. Received 27th February*, 1902.

27*th February*, 1902.—Read. J. M.

17*th September*, 1902.—Patient continues free from excitement, is in good health and making herself useful. Care is satisfactory.—C. M.—*Board of Lunacy. Received* 19*th September*, 1902.

23*rd September*, 1902.—Read.—J. F.

19*th February*, 1903.—Excited at times, but very quiet and pleasant to-day and busy knitting stockings and apparently doing it well. She is clean and tidy and is said to be quite correct in her habits now. Her care is very satisfactory.—C. M.—*Board of Lunacy. Received* 20*th February*, 1903.

23*rd February*, 1903.—Read.—J. F.

5*th November*, 1903.—Just got over one of her excited periods and is now pleasant and active about housework. She is clean and neatly dressed. There are no recommendations.—C. M.—*Board of Lunacy. Received* 9*th November*, 1903.

12*th November*, 1903.—Read.—J. M.

17*th March*, 1904.—No change.—C. M.—*Board of Lunacy. Received* 21*st March*, 1904.

23*rd March*, 1904.—Read.—J. F.

30*th November*, 1904.—Fairly well at present and very pleasant, and useful in the house when she is well. But she has frequent attacks of subacute excitement, when she requires tactful management. She has a suitable home.—C. M.—*Board of Lunacy. Received* 5*th December*, 1904.

7*th December*, 1904.—Read.—J. M.

22*nd March*, 1905.—Is passing through one of her excited attacks at present and is very confused mentally. Guardian understands her and manages her very judiciously. No recommendations.—C. M.—*Board of Lunacy. Received 25th March*, 1905.

27*th March*, 1905.—Read.—J. M.

4*th October*, 1905.—Fairly well at present, very amiable, and working well about the house.—C. M.—*Board of Lunacy. Received 9th October*, 1905.

9*th October*, 1905.—Read.—J. M.

27*th March*, 1906.—Provision very suitable.—J. F. S —*Board of Lunacy. Received 29th March*, 1906.

29*th March*, 1906.—Read.—J. F.

## 3. SPECIALLY LICENSED HOUSE OF JOHN McONIE, GARTMORE.

| | |
|---|---|
| *County.*—Perth | *Parish in which situated.*—Port of Monteith. |
| *Specially Licensed House of* | John McOnie. |
| *Address* | The Square, Gartmore. |
| *Applicant for Licence* | Inspector of Poor, Glasgow |
| *Date when granted* | 1st February, 1898. |
| *Number in Register* | 1197. |
| *Number for which Licensed* | 4. |

### Patients Resident, and Parishes of Chargeability.

I. L. or A., chargeable to Glasgow.
H. C., chargeable to Glasgow.
M. A., chargeable to Glasgow.
S. H., chargeable to Glasgow.

### General Reports, Minutes, Etc.

*28th November*, 1899.—A good house, and guardian's wife is a capable, kindly, and very attentive woman. The patients all live as members of the family.—C. M.

*18th December*, 1899.—Read.—J. F.

*7th March*, 1900.—Very satisfactory.—C. M.

*13th March*, 1900.—Read.—J. F.

*15th November*, 1900.—No change.—C. M.

*24th November*, 1900.—Read.—J. F.

*22nd March*, 1901.—Two bedrooms set apart, one 9 by 6 by 8=432, occupied by one patient; the other 14 by 10 by 8=1120, by two. Family consists of two, aged nine and ten. Take their meals in kitchen at same table.—J. F. S.

*27th March*, 1901.—Read.—J. M.

*13th December*, 1901.—Very comfortable quarters.—J. F. S.—*Board of Lunacy. Received 16th December*, 1901.

*20th December*, 1901.—Read.—J. F.

*13th March*, 1902.—No remark.—J. F. S.—*Board of Lunacy. Received 17th March*, 1902.

*18th March*, 1902.—Read.—J. F.

*11th November*, 1902.—Very comfortable quarters.—J. F. S.—*Board of Lunacy. Received 17th November*, 1902.

*21st November*, 1902.—Read.—J. F.

*6th February*, 1903.—Cosy quarters.—J. F. S.—*Board of Lunacy. Received 7th February*, 1903.

*13th February*, 1903.—Read.—J. F.

*10th December*, 1903.—No remarks save that the quarters are comfortable and patients were seated at a good square meal (dinner).—J. F. S.—*Board of Lunacy. Received 12th December*, 1903.

*14th December*, 1903.—Read.—J. F.

*29th February*, 3168/1904.—Inspector of poor, Glasgow, applies for an extension of the licence to four. Guardian is a most capable person and the accommodation is good.

*1st March*, 1904.—Send to visiting commissioner for his observations.—J. F.

*Eo. die.*—Sent.

*2nd March*, 1904.—Favour extension, but on the ground that the numbers are high in this village it would be well to select a quiet and easily-managed female.—J. F. S.—*Board of Lunacy. Received 3rd March*, 1904.

*4th March*, 1904.—Extend licence to four.—J. F.

*7th March*, 1904.—Informed inspector of poor of extension.—T. W. L. S.

*17th May*, 1904.—No remarks save that the patients are in very good quarters and were partaking of a very good dinner, two at same table with guardian, one in bed, and one in her bedroom.—J. F. S.—*Board of Lunacy. Received 19th May*, 1904.

*23rd May*, 1904.—Read.—J. F.

*18th November*, 1904.—No remarks.—J. F. S.—*Board of Lunacy. Received 21st November*, 1904.

*22nd November*, 1904.—Read.—J. F.

*18th November*, 1905.—J. F. S.—*Board of Lunacy. Received 21st November*, 1905.

*4th May*, 1906.—An excellent house.—J. M.

*15th May*, 1906.—J. M.

### Case Record of I. L. or A.

| | | |
|---|---|---|
| From Asylum. S. L. H. No. 1197 for 4). | *County*—Perth. | *Parish of Residence*—Port of Monteith. |
| | *Name of Patient* | I. L. or A. |
| | *Sex* | Female. |
| | *Age of Patient in* 1899 | 66. |
| | *Date of Intimation* | 28th September, 1863 |
| | *Married or Single?* | Widow. |
| | *Date of last Admission to Asylum* | 18th February, 1897. |
| | *Date of last Removal from Asylum* | 22nd July, 1899. |
| | *No. of Sanction* | 11,447. |
| | *Parish of Liability* | Glasgow. |
| | *Amount of Parochial Allowance* | 7s. weekly, £18 4s. yearly. |
| | *Degree of Relationship to the proposed Guardian* | None. |
| | *Name of Guardian* | John McOnie. |
| | *Residence of Guardian* | The Square, Gartmore, S. L. H. 1197 |

COPY STATEMENT BY THE PRINCIPAL MEDICAL OFFICER OF THE GLASGOW DISTRICT ASYLUM, GARTLOCH.

| | |
|---|---|
| 1. Name of patient - - - - - - - - | I. L. or A. |
| 2. Whether paralytic - - - - - - - - | No. |
| 3. Whether epileptic - - - - - - - - | No. |
| 4. Whether suicidal - - - - - - - - | No. |
| 5. Whether dangerous to others - - - - - | No. |
| 6. Whether violent or noisy - - - - - - | No. |
| 7. Whether refusing food - - - - - - - | No. |
| 8. Whether of uncleanly habits either by day or night - | No. |
| 9. Whether offensive to decency - - - - - | No. |
| 10. Whether capable of helping in household or other work - - - - - - - - - - | Yes. |
| 11. Facts, if any, as regards the past history of the Patient, such as indications of having been previously dangerous, which it is thought should be brought under the notice of those who are to have the charge and supervision of the Patient - - - - - | None. |

(Copy Signature) L. R. OSWALD,
*Principal Medical Officer.*

Date, *9th August*, 1889.

*28th November*, 1899.—Patient is a particularly clean and tidy woman who has evidently seen better days. I could see very little wrong with her mentally, except a confusion and haziness regarding her relatives. She sews, does all her own darning, keeps her own bedroom tidy and walks out a good deal. She corresponds with and occasionally receives money from a Mr. J., a solicitor in D. Her clothing is much finer than the ordinary pauper clothes. Is the cost of her maintenance repaid by relatives ? She has a very good home and guardian.—C. M.—*Board of Lunacy. Received 2nd December*, 1899.

*18th December*, 1899.—I see no ground for making the enquiry suggested. Patient is doing well, and her care is good.—J. F.

*7th March*, 1900.—Quite settled down and likes to make herself useful about the house. The reason why I suggested the enquiry mentioned above was that judging by the quality of her clothing, etc., I concluded it was not supplied by the parish, and I thought the information might be useful in connection with a claim on the grant, if there is any.—C. M.—*Board of Lunacy. Received 12th March*, 1900.

*13th March*, 1900.—Note the claim on the grant in this case, and ascertain if it includes any expenditure for clothing.—J. F.

*14th March*, 1900.—The latest claim on the grant audited was for the year to 15th May, 1899, and in the case of this patient, who was in Gartloch Asylum during the whole year, the claim is made in full without deduction of any amount recovered from relatives. The next claim on the grant is due in July or August of this year, and it can then be ascertained if it includes any expenditure for clothing during her residence in a private dwelling.

*14th March*, 1900.—Note particulars of next claim when to hand.—J. F.

(A note has been made of this so that it will be brought up at checking of this year's claim.)

*27th March*, 1900.—If an inspector of poor makes a claim on the grant in respect of clothing supplied, he must produce his vouchers. If he forges vouchers and makes a fraudulent claim, detection would probably be difficult, but it would not rest with this Board to discover the fact, as they are in no sense auditors of claims. It would require extraordinarily strong reasons for suspicion to justify the Board in suggesting a fraudulent claim, and in the case of the parish of Glasgow such an idea is really hardly admissible.—T. W. L. S.

*15th November*, 1900.—In good health, clean, and well dressed. She is cheerful and pleased with her home. I do not think there is anything in my note of 7th March last which could suggest any suspicion of fraud on the part of an inspector of poor, and certainly such an idea never entered my mind.—C. M.—*Board of Lunacy. Received 10th November*, 1900.

*24th November*, 1900.—Read.—J. F.

*22nd March*, 1901. Suitably provided for. J. F. S.—*Board of Lunacy. Received 26th March*, 1901.

*27th March*, 1901.—Read.—J. M.

*13th December*, 1901. Doing well and suitably provided for.—J. F. S.—*Board of Lunacy. Received 16th December*, 1901.

*20th December*, 1901.—Read.—J. F.

*13th March*, 1902.—Provision suitable.—J. F. S.—*Board of Lunacy. Received 17th March*, 1902.

*18th March*, 1902.—Read.—J. F.

*11th November*, 1902.—Provision suitable.—J. F. S.—*Board of Lunacy. Received 17th November*, 1905.

*21st November*, 1902. —Read.—J. F.

*6th February*, 1903.—Suitable for a private dwelling, and suitably provided for.—J. F. S.—*Board of Lunacy. Received 7th February*, 1903.

*13th February*, 1903.—Read. J. F.

*10th December*, 1903.—Provision suitable.—J. F. S.—*Board of Lunacy. Received 12th December*, 1903.

*14th December*, 1903.—Read.—J. F.

*17th May*, 1904.—A helpless and useless patient for whom suitable provision is made.—J. F. S.

*23rd May*, 1904.—Read.—J. F.

*18th November*, 1904.—Provision suitable.—J. F. S.—*Board of Lunacy. Received 21st November*, 1904.

*22nd November*, 1904.—Read.—J. F.

*28th March*, 1905.—In good health and very suitably provided for.—J. F. S.—*Board of Lunacy. Received 30th March*, 1905.

*30th March*, 1905.—Read.—J. M.

*18th November*, 1905.—Provision suitable.—J. F. S.—*Board of Lunacy. Received 21st November*, 1905.

*22nd November*, 1905.—Read.—J. M.

*4th May*, 1906.—Very suitably provided for.—J. M.

*15th May*, 1906.—J. M.

CASE RECORD OF M. A.

From Asylum. S. L. H. No. 1197 (for 4).

| | |
|---|---|
| *County*—Perth. | *Parish of Residence*—Port of Monteith. |
| *Name of Patient* | M. A. |
| *Sex* | Female. |
| *Age of Patient in* 1902 | 53. |
| *Date of Intimation* | 12th February, 1902. |
| *Married or Single?* | Single. |
| *Date of last Admission to Asylum* | 12th February, 1902. |
| *Date of last Removal from Asylum* | 10th July, 1902. |
| *No. of Sanction* | 12,215. |
| *Parish of Liability* | Glasgow. |
| *Amount of Parochial Allowance* | 7s. weekly, £18 4s. yearly. |
| *Degree of Relationship to the proposed Guardian* | None. |
| *Name of Guardian* | John McOnie. |
| *Residence of Guardian* | The Square, Gartmore, S. L. H. 1,197. |

COPY STATEMENT BY THE PRINCIPAL MEDICAL OFFICER OF THE WOODILEE ASYLUM, LENZIE.

| | |
|---|---|
| 1. Name of patient | M. A. |
| 2. Whether paralytic | No. |
| 3. Whether epileptic | No. |
| 4. Whether suicidal | No. |
| 5. Whether dangerous to others | No. |
| 6. Whether violent or noisy | No. |
| 7. Whether refusing food | No. |
| 8. Whether of uncleanly habits either by day or night | No. |
| 9. Whether offensive to decency | No. |
| 10. Whether capable of helping in household or other work | Yes. |
| 11. Facts, if any, as regards the past history of the patient, such as indications of having been previously dangerous, which it is thought should be brought under the notice of those who are to have the charge and supervision of the patient | There are none. |

(Copy Signature) HAMILTON C. MARR,
*Principal Medical Officer.*

Date, 11*th July*, 1902.

11*th November*, 1902.—Talks sensibly and quite coherently, but looks emotional and unstable. Nursing her mother through a long illness is assigned as the cause of her mental breakdown. She is most anxious to get home, and this I think will be possible in a few weeks. In regard to her case I saw medical officer, and will see inspector of poor. Provision is suitable.—J. F. S.—*Board of Lunacy. Received* 17*th November*, 1902.

21*st November*, 1902.—Read.—J. F.

6*th February*, 1903.—Greatly improved mentally by her stay here. She is still anxious to get back to her friends, and in this wish I think she ought now to be gratified. If she is kindly and considerately treated she will do well, but if driven and urged she would likely break down again. I will try and see inspector of poor in regard to her case and request.—J. F. S.—*Board of Lunacy. Received* 7*th November*, 1903.

13*th February*, 1903.—Keep in view for further report.—J. F.

10*th December*, 1903.—Mentally patient is as stated in my February report. On 15th December inspector of poor wrote me that he had asked Dr. L. Bucklyvie, for a certificate of recovery, as she seemed sufficiently improved to return to her mother and brother.—J. F. S.

28*th December*, 1903.—Inspector of poor, Glasgow, writes that Dr. Lindsay is unable to certify patient as having recovered. He is strongly of opinion that if placed with her mother the improvement would not be maintained.

18*th January*, 1904.—Read. Place in Dr. Sutherland's drawer.—J. M.

19*th January*, 1904.—Noted.—J. F. S.—*Board of Lunacy. Received* 3*rd March*, 1904.

17*th May*, 1904.—Dreamy and discontented and anxious to get to her own home and friends. This may be possible shortly. Was seated at a very good dinner along with guardian, and is otherwise very suitably provided for.—J. F. S.—*Board of Lunacy. Received* 19*th May*, 1904.

23*rd May*, 1904.—Read.—J. F.

18*th November*, 1904.—Provision suitable.—J. F. S.—*Board of Lunacy. Received* 21*st November*, 1904.

22*nd November*, 1904.—Read.—J. F.

28*th March*, 1905.—In moderate health, and very suitably provided for.—J. F. S.—*Board of Lunacy. Received* 30*th March*, 1905.

30*th March*, 1905.—Read.—J. M.

18*th November*, 1905.—Provision suitable.—J. F. S.—*Board of Lunacy. Received* 21*st November*, 1905.

22*nd November*, 1905.—Read.—J. M.

4*th May*, 1906.—Very suitably provided for.—J. M.

15*th May*, 1906.—J. M.

CASE RECORD OF S. H.

Not from Asylum. S. L. H. No. 1,197 (for 4).

| | |
|---|---|
| *County*—Perth. | *Parish of Residence*—Port of Monteith |
| *Name of Patient* | S. H. |
| *Sex* | Female. |
| *Age of Patient in* 1906 | 15. |
| *Date of Intimation* | 11th April, 1906. |
| *Married or Single?* | Single. |
| *Ever under Asylum Treatment?* | No. |
| *Date of last Removal from Asylum* | — |
| *No. of Sanction* | 13,346. |
| *Parish of Liability* | Glasgow. |
| *Amount of Parochial Allowance* | 7s. weekly, £18 4s. yearly. |
| *Degree of Relationship to the proposed Guardian* | None. |
| *Name of Guardian* | John McOnie. |
| *Residence of Guardian* | The Square, Gartmore, S. L. H. 1,197. |

EXTRACT FROM THE STATEMENT BY THE INSPECTOR OF POOR ON FORM D.

| | |
|---|---|
| 1. Name of patient | S. H. |
| 2. Whether paralytic | No. |
| 3. Whether epileptic | No. |
| 4. Whether suicidal | No. |
| 5. Whether dangerous to others | No. |
| 6. Whether violent or noisy | No. |
| 7. Whether refusing food | No |
| 8. Whether of uncleanly Habits either by day or night | No. |
| 9. Whether offensive to decency | No. |
| 10. Whether known to be a parent | No. |
| 11. Whether capable of helping in household or other work | Yes. |

Date, *24th April*, 1906.

EXTRACTS FROM MEDICAL CERTIFICATES, APRIL, 1906.

She is feeble-minded, foolish, and childish in behaviour, is unable to take an intelligent interest in anything.

She is docile and easily managed and is free from any bad habits.

[*Recent case. Not reported on up to June*, 1906.]

CASE RECORD OF H. C.

Not from Asylum. S. L. H. No. 1,197 (for 4.)

| | |
|---|---|
| *County*—Perth. | *Parish of Residence*—Port of Menteith. |
| *Name of Patient* | H. C. |
| *Sex* | Female. |
| *Age of Patient in* 1900 | 36. |
| *Date of Intimation* | 16th March, 1900. |
| *Married or Single?* | Single. |
| *Ever under Asylum Treatment?* | Yes. |
| *Date of last Removal from Asylum* | 2nd July, 1887. |
| *No. of Sanction* | 11,589. |
| *Parish of Liability* | Glasgow. |
| *Amount of Parochial Allowance* | (1905) 8s. weekly, £20 16s. yearly. |
| *Degree of Relationship to the proposed Guardian* | None. |
| *Name of Guardian* | John McOnie. |
| *Residence of Guardian* | The Square, Gartmore, S. L, H. 1,197. |

EXTRACT FROM THE STATEMENT BY THE INSPECTOR OF POOR ON FORM D.

| | |
|---|---|
| 1. Name of patient | H. C |
| 2. Whether paralytic | No. |
| 3. Whether epileptic | No. |
| 4. Whether suicidal | No. |
| 5. Whether dangerous to others | No. |
| 6. Whether violent or noisy | No. |
| 7. Whether refusing food | No. |
| 8. Whether of uncleanly habits either by day or night | No. |
| 9. Whether offensive to decency | No. |
| 10. Whether known to be a parent | No |
| 11. Whether capable of helping in household or other work | Yes. |

Date, 26*th March*, 1900.

EXTRACTS FROM MEDICAL CERTIFICATES, MARCH, 1900. She is dull, listless, and somewhat stupid in manner and appearance, and she is quite unable to give any rational account of herself. She is clean in her habits, and is easily managed.

15*th November*, 1900.—Patient is a young woman who had been a telegraphist and broke down mentally when preparing for an examination many years ago. She is now very demented and stupid-looking, sits with her head down apparently reading a newspaper, but always looking at the same line. She can be roused out of her stupor to answer a question, but the answer is as short as possible, and she at once relapses into stupor again. Guardian informs me that this is her general condition, but before her menstrual periods she becomes irritable for a day or two, and on two occasions jumped up suddenly from the table and struck one of her fellow patients (S.) on the face. No damage was done, and she has not repeated this conduct for several months. At these periods she is also apt to be defective in her habits, at other times she is cleanly. Guardian says her general health has improved, and that her mother who has visited her, thought her much better both mentally and physically than she was when she had to be removed from home. She has an excellent guardian and her care is very satisfactory. While I do not regard her as a very suitable case for private care, I think it advisable to give her a longer trial until we see if the alleged improvement makes further progress.—C. M.

24*th November*, 1900.—Read.—J. F.

22*nd March*, 1901.—Suitably provided for.—J. F. S.—*Board of Lunacy. Received* 26*th March*, 1901.

27*th March*, 1901.—Read.—J. M.

13*th December*, 1901.—Conduct reported to be good, and in no way rendering her presence noxious to the other two. Provision is very suitable.—J. F. S.—*Board of Lunacy. Received* 16*th December*, 1901.

20*th December*, 1901.—Read.—J. F.

13*th March*, 1902.—Provision suitable.—J. F. S.—*Board of Lunacy. Received* 17*th March*, 1902.

18*th March*, 1902.—Read.—J. F.

11*th November*, 1902.—Provision suitable.—J. F. S.—*Board of Lunacy. Received* 17*th November*, 1902.

21*st November*, 1902.—Read.—J. F.

6*th February*, 1903.—Suitable for a private dwelling, suitably provided for.—J. F. S.—*Board of Lunacy. Received 7th February*, 1903.

13*th February*, 1903.—Read.—J. F.

10*th December*, 1903.—Provision suitable. All clothes and boots are supplied by her relations.—J. F. S.—*Board of Lunacy. Received* 12*th December*, 1903.

14*th December*, 1903.—Read.—J. F.

17*th May*, 1904.—A useless patient who takes her food by herself, being somewhat impulsive at meals. She is a bed wetter. Is very demented. Provision very suitable.—J. F. S.—*Board of Lunacy. Received* 19*th May*, 1904.

23*rd May*, 1904.—Read.—J. F.

18*th November*, 1904.—Provision suitable.—J. F. S.—*Board of Lunacy. Received* 21*st November*, 1904.

22*nd November*, 1904.—Read.—J. F.

28*th March*, 1905.—This silent dement is in good health, and is very suitably provided for.—J. F. S.—*Board of Lunacy. Received* 30*th March*, 1905.

30*th March*, 1905.—Read.—J. M.

23*rd June*, 1905.—Inspector of poor, Glasgow, intimates increase of weekly allowance to 8s. on account of the extra attention required by patient.

18*th November*, 1905.—Provision suitable.—J. F. S.—*Board of Lunacy. Received* 21*st November*, 1905.

22*nd November*, 1905.—Read.—J. M.

4*th May*, 1906.—Very suitably provided for.—J. M.

15*th May*, 1906.—J. M.

NOTES on PAUPER LUNATICS boarded under private care in MARKINCH and KENNOWAY, Fifeshire, who were visited on 14th June, 1906, by DR. CHARLES MACPHERSON, Deputy Commissioner in Lunacy, accompanied by the following members of the Royal Commission on the Care and Control of the Feeble-minded :—

THE RIGHT HON. THE EARL OF RADNOR,
THE REV. H. N. BURDEN,
F. NEEDHAM, ESQ., M.D.

| Initials of patients. | Sex. | Age. | House of | From Asylum. | Not from Asylum. | Length of time boarded out. | Physical health. | Mental condition. | Remarks. |
|---|---|---|---|---|---|---|---|---|---|
| W. M. | Male | 55 | Mr. R. Beveridge, Markinch | 1 | — | 2 years | Good | Chronic mania | Very cheerful and very fat, which, he says, is the result of being too well fed. |
| J. D. | „ | 71 | „ „ „ | 1 | — | 2½ „ | Feeble | Dementia | Quite blind, but very contented. |
| C. B. | „ | 45 | „ „ „ | 1 | — | 16 „ | Good | „ | Healthy, useful, and contented. |
| A. S. | „ | 57 | „ „ „ | 1 | — | 6 months | „ | Congenital Imbecility | Good natured, lazy, and comparatively useless. |
| T. H. | „ | 54 | Mr. R. Wood, Jun., Markinch | 1 | — | 17 years | „ | Chronic mania | The nurse of the household, and always at his best when put in charge of the children. |
| M. C. | „ | 40 | „ „ „ „ | 1 | — | 10 „ | „ | Dementia | Constantly engaged about the horses, likes his work, and is a very careful driver. |
| J. L. | „ | 31 | „ „ „ „ | 1 | — | 6 months | „ | Chronic mania | Willing and obedient ; cleans out byre, and helps to look after the cattle. |
| M. B. | Female | 71 | Miss S. Thomson, Markinch | 1 | — | 25 years | „ | Dementia | Assists in general housework, washes and knits. |
| C. N. or S. | „ | 80 | „ „ „ | 1 | — | 24 „ | Fair | „ | Much in bed, but gets up a little every day. |
| M. G. H. | „ | 92 | „ „ „ | 1 | — | 24 „ | Good | Congenital imbecility | Cheerful and talkative. |
| M. A. B. or R. | „ | 62 | Miss C. Adamson, Markinch | 1 | — | 7 „ | „ | Dementia | At times noisy and abusive, but never strikes. |
| M. McK. | „ | 70 | „ „ „ | 1 | — | 6 „ | Fairly good | Chronic mania | Unsociable, refuses to work, but is cleanly and never threatening. |
| H. C. | „ | 66 | Miss E. Brown, Markinch | 1 | — | 11 „ | Good | Dementia | Evidently quite at home. |
| M. R. or S. | „ | 61 | „ „ „ | 1 | — | 13 „ | „ | „ | Something of a spitfire, and very garrulous. |
| E. G. | „ | 53 | „ „ „ | 1 | — | 20 „ | „ | Congenital imbecility | A bright, cheerful member of a happy family. |
| H. McK. | „ | 54 | „ „ „ | 1 | — | 3 „ | „ | Dementia | Easily managed and obliging—useless. |
| C. H. | „ | 73 | Mrs. A. Scobbie, Markinch | 1 | — | 3 „ | „ | „ | Talks much to herself—at times incoherently. |

| | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| J. F. or W | Female | 55 | Mrs. A. Scobbie, Markinch | 1 | — | 5 years | Good | Dementia | Of use to guardian as a nurse, and with her knitting. |
| M. S. or S. | „ | 59 | Mrs. J. Houston, Markinch | 1 | — | 19 „ | „ | „ | Boisterous at times, but good tempered; cannot work. |
| J. S. or S. | „ | 67 | „ „ „ | 1 | — | 13 „ | „ | „ | A dour, sullen-looking woman, but useful and quite friendly with guardian. |
| H. M. | „ | 39 | „ „ „ | 1 | — | 4 „ | „ | „ | Talks a good deal—conversation incoherent at times. A first-rate knitter. |
| J. G. S. | „ | 28 | Mr. A. Hutchison, Markinch | 1 | — | 12 „ | Fair | Imbecility | Amiable, useful in little ways. |
| A. L. or D. | „ | 45 | „ „ „ | 1 | — | 8 „ | Good | Chronic mania | Quiet, concentrated, obliging. |
| J. T. | „ | 40 | „ „ „ | 1 | — | 11 „ | Fairly good | Dementia | Useless; requires to be dressed by guardian every morning. |
| M. G. | „ | 91 | Miss A. Honeyman, Kennoway | 1 | — | 14 „ | Feeble | Chronic mania | Still able to be up every day. |
| J. H. | Male | 44 | Mr. A. Clark, Kennoway | 1 | — | 18 months | Good | Dementia | Strong, healthy, and fairly useful, but very incoherent. |
| D. W. | „ | 37 | „ „ „ | 1 | — | 3 years | „ | „ | Attends to the pigs, breaks sticks, and works in the garden. |
| B. C. | Female | 67 | Miss M. Russell, Star, removed to Mrs. Suttie, Auchtermuchty | 1 | — | 21 „ | Poor | „ | Stupid and useless. |

NOTES on PAUPER LUNATICS boarded under private care in LANARK and LESMAHAGGW, Lanarkshire, who were visited on 14th June, 1906, by Dr. J. F. SUTHERLAND, Deputy Commissioner in Lunacy, accompanied by the following members of the Royal Commission on the Care and Control of the Feeble-minded :—

MR. W. H. DICKINSON, M.P.,
MR. C. S. LOCH, D.C.L.

| Initials of Patients. | Sex. | Age. | House of | From Asylum. | Not from Asylum. | Length of time boarded out. | Physical health. | Mental condition. | Remarks. |
|---|---|---|---|---|---|---|---|---|---|
| J. P. or McK. | Female | 67 | Mr. J. Steel, Lanark | 1 | — | 6 years | Good | Chronic mania | Active, useful, and well pleased with her home. |
| M. G. | „ | 38 | „ „ „ | 1 | — | 2 „ | Stout & healthy | Slight dementia | Works well and pleasantly in the house. |
| M. M. | „ | 66 | „ „ „ | 1 | — | 35 „ | Frail & failing | Congenital imbecility | Still able to go about a little. |
| A. S. | „ | 41 | Miss M. Day, Lesmahagow | — | 1 | 6 „ | Good | „ „ | Bright and happy, active and useful. |
| C. S. | „ | 24 | „ „ „ | 1 | — | 6 „ | „ | „ „ | (From Larbert Institution.) Can do no useful work. Clean and happy. |
| S. McK. | „ | 21 | „ „ „ | — | 1 | 4 „ | Fairly good—tubercular | „ „ | Happy in her home. |
| N. B. | Male | 36 | Mr. J. Scott, Lesmahagow | 1 | — | 3 months | Healthy | Dementia | Fair worker, cleanly, and easily managed. |
| W. B. | „ | 22 | „ „ „ | 1 | — | 1 year | Healthy (but stuperose) | Dementia præcox | Cleanly, and has shown no objectionable propensities. |
| E. Y. S. | Female | 44 | Mrs. A. Adams, Lesmahagow | 1 | — | 8 years | Good | Dementia | Amiable, and working well about the house. |
| A. McG. | „ | 20 | „ „ „ | — | 1 | 6 months | Stout & healthy | Congenital imbecility | Of pleasing appearance. |
| H. McF. | „ | 71 | „ „ „ | 1 | — | 2 years | Good | Melancholia | Bright and cheerful. |
| A. B. | „ | 44 | „ „ „ | 1 | — | 8 „ | Delicate | Dementia | Very helpless. |
| W. A. | Male | 22 | Mr. W. Watson, Lanark | 1 | — | 9 months | Good | „ | Guardian has an engine shop, and patient was an apprentice engineer, and is very useful to guardian. |
| W. B. | „ | 50 | „ „ „ | 1 | — | 9 „ | „ | „ | A useful, quiet man in the engine shop and on the farm of 3½ acres. |
| W. McG. | „ | 51 | Mr. H. Wylie, Lanark | 1 | — | 4 years | „ | „ | Usefully employed in garden and field. |
| W. W. | „ | 37 | „ „ „ | 1 | — | 9 months | „ | „ | Cleanly in habits and tractable. |
| H. O'D. | „ | 60 | Mr. J. Donaghy, Lanark | 1 | — | 18 „ | „ | „ | Good tempered and kindly ; does some work about the byres. |

| | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| W. R. - | Male | 39 | Mr. J. Donaghy, Lanark - - | 1 | — | 2 years | Fair - - | Dementia - - - | Willing, and useful at most of the work of the farm. |
| H. J. Mc. - | Female | 18 | Mrs. C. Whitefield, Lanark - | — | 1 | 4 „ | „ - - | Congenital imbecility | Improved in health, and slightly in intelligence. Easily managed. |
| M. W. - | „ | 32 | „ „ „ | — | 1 | 4 „ | Good - - | Dementia - - | Clean and tidy, active and happy. |
| A. C. - - | „ | 39 | Mr. W. F. Dale, Lanark - - | 1 | — | 1 „ | „ - - | Chronic mania - - | Does a fair share of the housework, and goes out a good deal. |
| J. B. - - | „ | 32 | „ „ „ | 1 | — | 14 „ | „ - - | Congenital imbecility | (From Larbert Institution.) Well cared for. Can do some housework. |
| S. H. - | „ | 70 | Mr. T. Struthers, Lanark - - | 1 | — | 4 „ | „ - - | Melancholia - - | Is a good seamstress, and likes to work. |
| E. M. - | „ | 59 | „ „ „ | 1 | — | 4 „ | „ - - | Chronic mania - - | Pleasant and chatty—evidently quite at home. |
| E. S. - - | „ | 23 | Mrs. Pringle, Lesmahagow - | 1 | — | 9 „ | „ - - | Imbecile - - - | Clean, tidy, and useful } Both from Larbert Institution. |
| P. S. - - | Male | 25 | „ „ „ | 1 | — | 9 „ | Fair - - | „ - - - | (Brother of above) Useless } |
| R. H. - - | „ | 59 | Mrs. Kelly, Lanark - - - | 1 | — | 4 „ | Good - - | Chronic mania - - | Works well in the fruit fields. |
| C. O'H. | „ | 73 | „ „ „ | 1 | — | 7 „ | „ - - | Dementia - - - | A useful indoor worker. |

Note by Dr. J. F. Sutherland on the foregoing statement :—

We visited 28 patients (11 male, 17 female) residing in 13 houses, 12 with licenses. Four women were in residence in the (1) Town of Lanark, 3 in licensed houses for 2, and one female in an unlicensed house; (2) In the *rural* district near Lanark 9 males and 4 females were in residence in 5 houses licensed for 2, and one for 3; and (3) 9 were in residence in Kirkfieldbank *Village* (Clydeside) 7 females and 2 males, the 7 women being in a licensed house for 3, and in one for 4, and the 2 men in a licensed house for 2.

All were with strangers save one.

Twenty-five were on an aliment of 7/- weekly, one of 8/-, and one of 9/-, and one of 4/-.

The ages of the males were 21, 22, 24, 36 (twice), 38, 49, 50, 58, 59, and 72.

Of the females, 18, 20 (twice), 22, 23, 32, 37, 40, 42, 44, 58, 65 (twice) and 70 (twice).

The following were the mental defects and disorders :—

| | Male. | Female. | Total. |
|---|---|---|---|
| Imbecility - - | 1 | 11 | 12 = 43% |
| Dementia - - | 10 | 2 | 12 |
| Delusional - - | — | 3 | 3 = 57% |
| Melancholia - | — | 1 | 1 |
| | 11 | 17 | 28 |

NOTES ON PAUPER LUNATICS boarded under private care in PORT OF MONTEITH, KILMADOCK, and KINCARDINE, Perthshire, who were visited on 14th June, 1906, by DR. JOHN MACPHERSON, Commissioner in Lunacy, accompanied by the following members of the Royal Commission on the Care and Control of the Feeble-minded :—

MRS. PINSENT,
MR. W. P. BYRNE, C.B.,
MR. H. B. N. MOTHERSOLE, M.A., LL.M. (*Secretary*).

| Initials of Patients. | Sex. | Age. | House of | From Asylum. | Not from Asylum. | Length of time boarded out. | Physical health. | Mental condition. | Remarks. |
|---|---|---|---|---|---|---|---|---|---|
| H. C. - - | Female | 42 | Mr. J. McOnie, Port of Monteith | 1 | — | 19 years | Good - - | Dementia - - - | Takes her food alone, being somewhat impulsive at meals. |
| S. H. - - | „ | 15 | „ „ „ | — | 1 | 1 month | — | — | (Not yet reported on.) |
| M. A. - - - | „ | 57 | „ „ „ | 1 | — | 4 years | Moderate - | Chronic mania - - | Dreamy and discontented, and anxious to get to home and friends. |
| I. L. or A. - | „ | 73 | „ „ „ | 1 | — | 7 „ | Good - - | „ „ - - | Helpless and useless. |
| I. McK. - | „ | 60 | Mr. T. Kerr, Port of Monteith - | 1 | — | 6 „ | „ - - | Congenital imbecility | Agreeable and useful, quick in temper, but never irritable. |
| J. W. or H.- | „ | 82 | „ „ „ - | 1 | — | 11 „ | Frail - - | Dementia - - - | Manifests a keen interest in many things, and in full possession of her faculties. |
| H. C. or C. - | „ | 51 | „ „ „ - | 1 | — | 8 „ | Good - - | „ - - - | Vigorous, but not useful. |
| M. B. or W. | „ | 63 | Mrs. C. McFarlane, Port of Monteith. | 1 | — | 8 „ | „ - - | Chronic mania - - | Cheerful, but incoherent ; diligent with the needle. |
| M. A. - - | „ | 43 | „ „ „ | 1 | — | 27 „ | „ - - | Congenital imbecility | Comfortable and contented. |
| M. McD. - | „ | 59 | „ „ „ | 1 | — | 21 „ | Poor - - | Dementia - - - | Suffering from phthisis. |
| C. F. or M. - | „ | 68 | „ „ „ | 1 | — | 8 „ | Good - - | „ - - - - | In good spirits and talkative. |
| M. D. - - | „ | 51 | Mr. J. Dymock, Port of Monteith | 1 | — | 7 „ | „ - - | „ - - - | A good knitter and houseworker. |
| J. McI. or L. | „ | 67 | „ „ „ | 1 | — | 3 „ | „ - - | „ - - - | Talk very rambling and incoherent ; useless. |
| A.W.R. or M. | „ | 41 | „ „ „ | 1 | — | 4 „ | „ - - | „ - - - | A good houseworker. |
| M.A.G. or S. | „ | 52 | Mrs. Jemima Gardner, Port of Monteith. | 1 | — | 8 „ | „ - - | „ - - - | Good tempered, but indolent and useless. |
| C. G. or C. - | „ | 45 | „ „ „ | 1 | — | 3 „ | „ - - | Chronic mania - - | An energetic, hard-working woman—of a so noisy and excitable temperament. |

| | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| M.S. or G. - | Female | 65 | Mrs. Jemima Gardner Port of Monteith. | 1 | — | 15 years | Good - - | Chronic mania - - | Has delusions and hallucinations, but is active and industrious. |
| J. S. or M. - | „ | 57 | „ „ „ | 1 | — | 4 „ | „ - - | Dementia - - - | Cleanly in habit, but unproductive. |
| S.McK. or M. | „ | 61 | Mrs. Flora McFarlane, Port of Monteith. | 1 | — | 2 „ | „ - - | „ - - - | Fairly useful. |
| S. B. or G. - | „ | 57 | „ „ „ | 1 | — | 21 „ | „ - - | Chronic mania - - | An active worker—can look after her own interests. |
| C. I. - - | „ | 58 | „ „ „ | 1 | — | 20 „ | Poor - - | „ - - - | In failing health. |
| A.L. or O'R. | „ | 45 | Mrs. McKenzie, Port of Monteith | 1 | — | 13 „ | Good - - | Dementia (slight) - | A useful woman, who acts as deputy guardian. |
| M. C. - - | „ | 35 | „ „ „ | 1 | — | 5 „ | „ - - | Dementia - - - | Quiet, good natured, and cleanly; talks a gibberish quite her own. |
| A. H. - - | „ | 56 | „ „ „ | 1 | — | 15 „ | Fair - - | „ - - - | Useless—silent. |
| J. F. W. S. - | „ | 51 | „ „ „ | 1 | — | 1 year | Good - - | „ - - - | Clean and orderly in her habits; a German Jewess. |
| W. McC. - | Male | 29 | Mr. J. Mason, Kilmadock - - | 1 | — | 1 „ | „ - - | Chronic mania - - | A young, strong man. |
| J. B. - - | „ | 51 | „ „ „ - - | 1 | — | 1 „ | „ - - | „ „ - - | Well nourished, robust-looking, and amiable; conversation incoherent. |
| E. P. - - | Female | 53 | Miss E. Drummond, Kincardine (Perth). | 1 | — | 14 years | „ - - | Dementia - - - | A great talker; incapable of any useful work. |
| E. McG. - | „ | 61 | „ „ | 1 | — | 3 months | „ - - | „ - - - | Harmless, well behaved, and easily managed. |
| J. McK. - | „ | 16 | Mrs. M. Hardon, Kincardine (Perth). | 1 | — | 2 years | „ - - | Congenital imbecility | (From Larbert Institution.) In good health. |
| J. M. - - | „ | 51 | „ „ „ | — | 1 | 1 year | „ - - | Dementia - - - | Deaf and almost blind. |

## PART III.

## BRIEF STATEMENT BY THE GENERAL BOARD OF LUNACY OF CERTAIN POINTS IN REGARD TO WHICH THEY THINK THAT AMENDMENT OF THE LUNACY ACTS (SCOTLAND) WOULD BE DESIRABLE.

## PART III.

## BRIEF STATEMENT BY THE GENERAL BOARD OF LUNACY OF CERTAIN POINTS IN REGARD TO WHICH THEY THINK THAT AMENDMENT OF THE LUNACY ACTS (SCOTLAND) WOULD BE DESIRABLE.

5, Old Palace Yard,
Westminster, S.W.,
*March 2nd*, 1908.

SIR,—I am desired by the Chairman to ask you whether your Board would desire to bring to the notice of the Commission any specific changes in the existing lunacy law which your Board may consider necessary in supplementation of the evidence already given before the Commission on their behalf. It would be a convenience to my Commission if any information as to these points could be supplied at once. I am, Sir,

Your obedient Servant,
(*Signed*) HARTLEY B. N. MOTHERSOLE,
*Secretary.*

T. W. L. Spence, Esq.,
Secretary, General Board of Lunacy,
51, Queen Street, Edinburgh.

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General Board of Lunacy for Scotland,
Edinburgh,
*March 6th*, 1908.

SIR,—I have laid before the Board your letter of the 2nd instant and now transmit by their direction a brief statement of certain points in regard to which they think that amendment of the Lunacy Acts (Scotland) would be desirable. Most of these matters bear more or less directly upon the well-being of the insane, but there are many other matters which in the Board's opinion call for changes in the existing law, such as the desirability of putting upon a clear legal footing the power of District Lunacy Boards to acquire land, of conferring upon District Lunacy Boards a permissive power to give pensions as provided for by the English Lunacy Law, etc.

These various matters have not been included in the enclosed list as they relate to points which are apparently not within the field of the Commission. The Board, however, think that any amending Act which may be drafted or passed for Scotland should include these as well as the other matters included in the accompanying list. I am, Sir,

Your obedient Servant,
T. W. L. SPENCE,
*Secretary.*

Hartley B. N. Mothersole, Esq.,
Secretary to the Royal Commission on the Care and Control of the Feeble-Minded.
Royal Commissions House, Westminster, London.

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SUMMARY FOR THE ROYAL COMMISSION ON THE CARE AND CONTROL OF THE FEEBLE-MINDED OF CERTAIN POINTS BEARING UPON THE CARE OF THE INSANE, IN REGARD TO WHICH THE GENERAL BOARD OF LUNACY CONSIDER THAT AMENDING LEGISLATION IS DESIRABLE.

(1) To give the Board the same powers with regard to making and establishing Rules and Regulations for the good order and management of Royal Asylums, such as they already possess under the Statute with regard to district and private asylums.

(2) To provide that all plans for asylums shall be submitted to the Board for their approval and sanction. At present no such approval is required in the case of Royal Asylums.

(3) To enable the Board to regulate the maximum number of patients which may be received into Royal and district asylums with a view to the prevention of over crowding.

(4) To authorise District Lunacy Boards to provide accommodation for the poorer class of private patients. Such patients may be at present received when there is spare accommodation, but they must be sent away when the accommodation is required for pauper patients.

(5) To amend Section 14 of the Lunacy Amendment Act (Scotland) of 1866 so as to enable the Board to deal more effectually with insane persons, though not kept for profit, who are ill-treated or are grossly neglected, or who, in the case of females, are inadequately protected from sexual danger.

(6) To provide that a pauper lunatic for whose removal to an asylum or to another private dwelling the Board have issued an order shall not be removable from the poor-roll without their sanction. At present an order to the above effect may be defeated through the relatives removing the patient from the poor-roll.

(7) To provide for the public audit of accounts of District Lunacy Boards. Royal Asylums are more or less supported from charitable funds but they are so much of the nature of public institutions that in the opinion of the Board their accounts also should be publicly audited.

(8) To repeal the definition of "House." "House" is used in various meanings in the Act but is defined as "any house in which a single lunatic is kept under an Order of the Sheriff." There are, however, now no houses in Scotland to which that definition applies, all patients under private care being so provided for with the sanction of the Board only. The Board have suggested the definition of "House" as "a private dwelling whether specially licensed or otherwise."

(9) To redefine the term "lunatic." "Lunatic" at present is defined as meaning a person *certified by two medical persons* to be "a lunatic, an insane person, an idiot, or a person of unsound mind." Thus, wherever in the text of the Acts, the word "lunatic" occurs, prior certification is implied, though the circumstances may be such that no formal certification can have taken place. The definition of "lunatic" suggested by the Board was, following the lines of the English Act of 1890–91, that it should mean and include "an idiot, an insane person, or a person of unsound mind."

(10) To enable the Board to take steps towards the appointment of judicial factors to insane persons whose property is not duly protected. The provision made for this purpose by Section 81 of the Lunacy Act (Scotland) of 1857 is expressed in such terms as to render it inapplicable to many cases where protection is required.

(11) To enable District Lunacy Boards to combine to provide accommodation for imbecile children. The population of single lunacy districts is as a rule not sufficient to make it possible to provide separately for such children.

(12) To provide for voluntary boarders being received for three days on personal application and without any sanction on the part of the Board. It is found that there are risks of suicide attending such cases even when only a day's delay occurs in arranging for reception.

(13) To amend the Lunacy Acts so as to provide for the protection of female patients in asylums from sexual abuse by any one knowing the patient to be such. Recent cases have shown that sexual intercourse between an attendant or other person in or near an asylum, whether an employee of the asylum or not, is not under certain circumstances legally regarded as "abuse" in the sense of Section 99 of the Act of 1857. On the other hand, the provisions of Section 5, Sub-Section (2), of the Criminal Law Amendment Act, 1885, have been found inapplicable, because the patient, though insane was not a congenital "imbecile or idiot," in terms of that Act.

Edinburgh, *March 6th*, 1908.

## 1a.—STATEMENT SHOWING THE NUMBER OF LUNATICS IN SCOTLAND AT 1ST JANUARY, 1908.

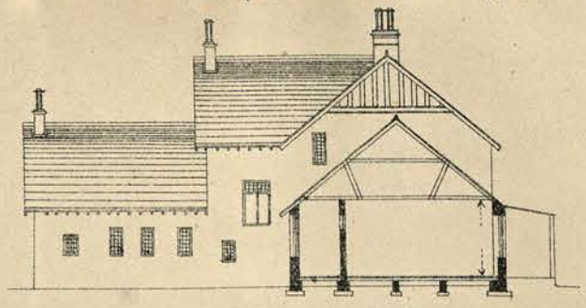
*(Prepared by Dr. John Macpherson. See Question 21198, p. 29, c. 1.)*

| Mode of Distribution. | Male. | Female. | Total. | Private. | | | Paupers. | | |
|---|---|---|---|---|---|---|---|---|---|
| In Royal Asylums | 1,682 | 1,929 | 3,611 | 865 | 1,043 | 1, 08 | 817 | 886 | 1,703 |
| „ District Asylums | 4,819 | 4,669 | 9,488 | 113 | 189 | 302 | 4,706 | 4,480 | 9,186 |
| „ Private Asylums | 34 | 63 | 97 | 34 | 63 | 97 | — | — | — |
| „ Parochial Asylums, *i.e.* Lunatic Wards of Poorhouses with unrestricted Licences | 283 | 285 | 568 | — | — | — | 283 | 285 | 568 |
| „ Lunatic Wards of Poorhouses, with restricted Licences | 376 | 367 | 743 | — | — | — | 376 | 367 | 743 |
| „ Private Dwellings | 1,215 | 1,691 | 2,906 | 43 | 83 | 126 | 1,172 | 1,608 | 2,780 |
| | 8,409 | 9,004 | 17,413 | 1,055 | 1,378 | 2,433 | 7,354 | 7,626 | 14,980 |
| In Criminal Lunatic Department of Perth Prison | 41 | 8 | 49 | — | — | — | — | — | — |
| „ Training Schools | 285 | 160 | 445 | 120 | 79 | 199 | 165 | 81 | 246 |
| Totals | 8,735 | 9,172 | 17,907 | 1,175 | 1,457 | 2,632 | 7,519 | 7,707 | 15,226 |

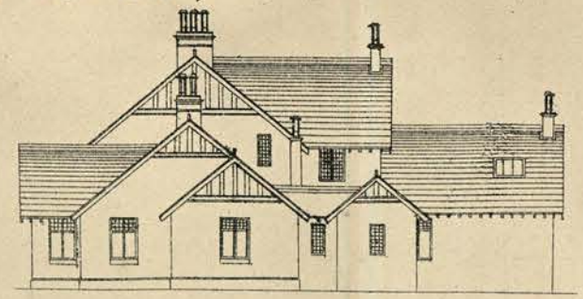
# 2—LARBERT INSTITUTION

(Referred to in Questions 21987–22079.)

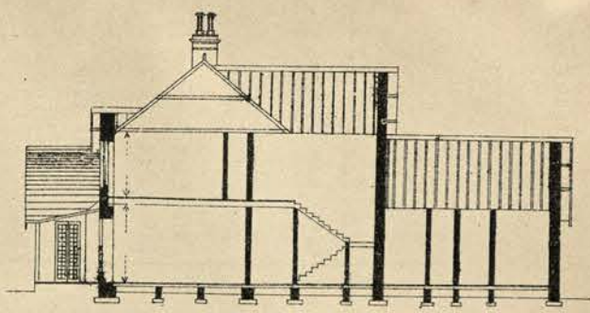
## PROPOSED SANATORIUM.



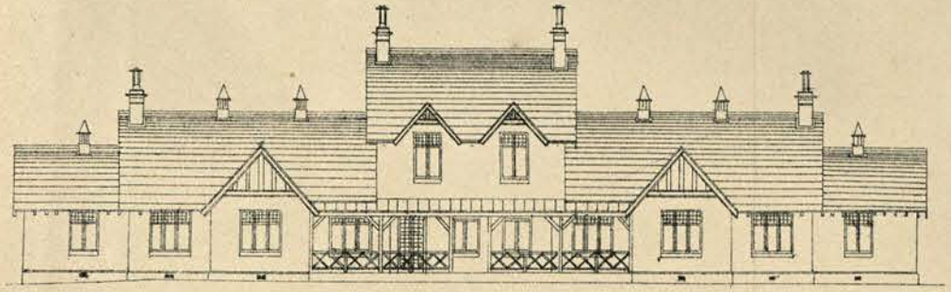
WEST ELEVATION



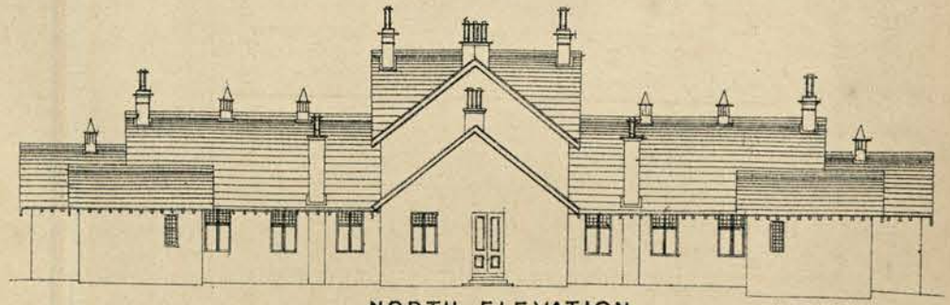
EAST ELEVATION



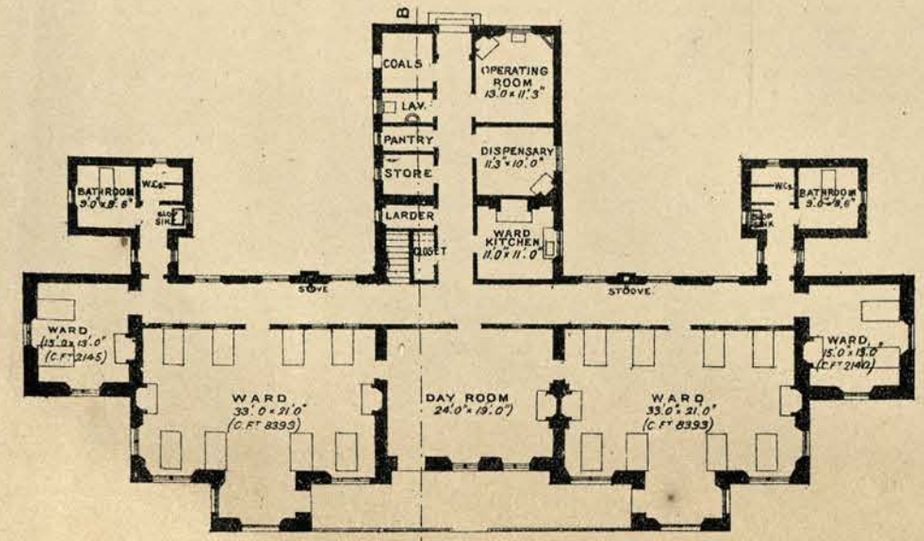
SECTION A.B.



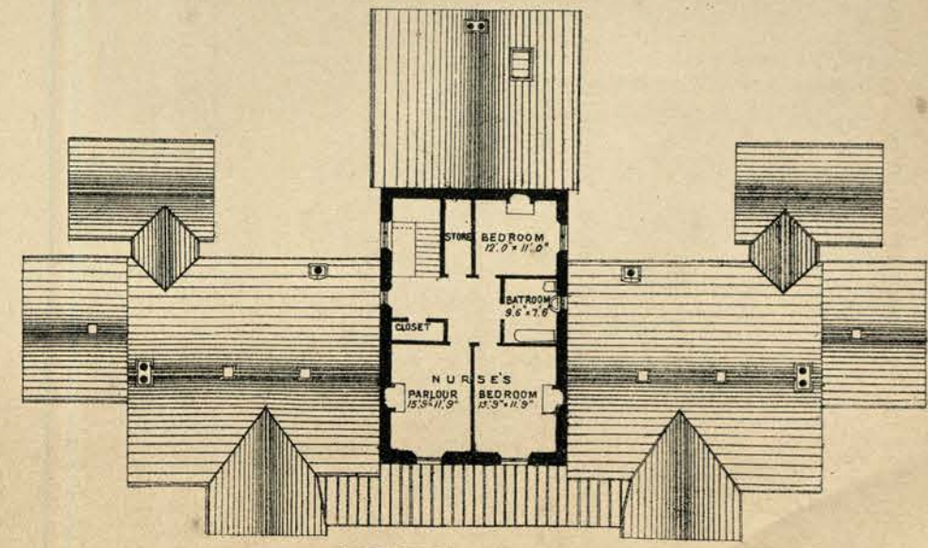
SOUTH ELEVATION



NORTH ELEVATION




GROUND FLOOR PLAN




UPPER FLOOR PLAN

Scale of Feet

10 5 0 10 20 30 40 50 60 70 FEET



Weller & Graham, Ltd Litho. London.

## 2a.—COMPLETE SET OF APPLICATION FORMS AND FORMS OF MEDICAL CERTIFICATE AS USED IN THE PRIVATE, ELECTED, AND PAUPER CASES ADMITTED TO THE LARBERT INSTITUTION.

(*Sent in by Dr. Clarkson. See Questions* 21987–22079.)

(Queries to be answered by Parent, or other near Relative personally acquainted with Case applying for admission.)

SCOTTISH NATIONAL INSTITUTION FOR THE EDUCATION OF IMBECILE CHILDREN, LARBERT, STIRLINGSHIRE.

| | |
|---|---|
| 1. Name (Christian and Surname) - - - - - | |
| 2. Present Address (in full) - - - - - - - | |
| 3. Place and Date of Birth (*evidence to be produced*) - | |
| 4. Name, occupation, and place of residence of— (1) Father - - - - - - - - - (2) Mother - - - - - - - - - | |
| 5. The number and ages of other Children - - | |
| 6. When was the Imbecility first observed, and can any cause for it be assigned ? - - - - - - | |
| 7. Are the senses of Sight and Hearing perfect ? - | |
| 8. Can the Child speak ? - - - - - - - | |
| 9. Can he understand anything said to him ? - - | |
| 10. Are the limbs in perfect use ? - - - - - | |
| 11. Is assistance required in taking food or in dressing ? - | |
| 12. Are the habits correct and cleanly ? - - - | |
| 13. Is the sleep quiet ? - - - - - - - - | |
| 14. What capacity is there for Reading, Writing, Singing, Imitation, etc. ? - - - - - - - - - | |
| 15. Are there any bodily infirmities ? If liable to Fits, how often do they occur ? - - - - - - | |
| 16. Are there any peculiar or dangerous propensities ? - | |
| 17. Has the case received any special treatment ? - - | |
| 18. Is the condition improving or otherwise ? - - | |
| 19. Have the usual diseases of Childhood been passed through ? - - - - - - - - - - | |
| 20. Has Vaccination been secured ? - - - - - | |
| 21. State whether your application is for admission of the Child as— (1) Special - - - - - - - - (2) First Class - - - - - - - (3) Second Class - - - - - - | |
| 22. The Board you offer - - - - - - - | £———————per annum. |

*Signature of Party answering Queries* ———————

*Date* ———————

*Residence* ———————

*Profession* ———————

[Queries to be answered by Parent, or other near Relative, personally acquainted with Case, applying for Admission.]

SCOTTISH NATIONAL INSTITUTION FOR THE EDUCATION OF IMBECILE CHILDREN, LARBERT, STIRLINGSHIRE.

1. Name (Christian and surname) - - - - -
2. Present Address (in full) - - - - - - -
3. Place and Date of Birth (*evidence to be produced*) -
4. Name, occupation, and place of residence of—
   (1) Father - - - - - - - - -
   (2) Mother - - - - - - - - -
   (3) Other near Relatives - - - - - -
5. State circumstances showing—
   (1) That the Child is destitute, and that the Parents or other Relatives or Guardians are unable to make any payment for his support
   (2) That the Parents or other Relatives or Guardians are unable to make the full payment, and the amount which they are able to pay - - - - - - - -
6. The number and ages of other Children, who are *entirely dependent* on Parents - - - - -
7. Has the Applicant or his Parents received Assistance from the Parish ? - - - - - - - -
8. When was the Imbecility first observed, and can any cause for it be assigned ? - - - - - -
9. Are the senses of Sight and Hearing perfect ? -
10. Can the child speak ? - - - - - - - -
11. Can he understand anything said to him ? - -
12. Are the limbs in perfect use ? - - - - -
13. Is assistance required in taking food or in dressing ? -
14. Are the habits correct and cleanly ? - - - -
15. Is the Sleep quiet ? - - - - - - - -
16. What capacity is there for Reading, Writing, Singing, Imitation, etc. ? - - - - - - - - -
17. Are there any bodily infirmities ? If liable to Fits how often do they occur ? - - - - - -
18. Are there any peculiar or dangerous propensities ? -
19. Has the case received any special treatment ? -
20. Is the condition improving or otherwise ? - -
21. Have the usual diseases of Childhood been passed through ? - - - - - - - - - -
22. Has Vaccination been secured ? - - - - -

*Signature of party answering Queries* ———— ————

*Date* ————

*Residence* ————

*Profession* ————

[Certificate to be obtained from a neighbouring Doctor or Minister, or other influental Party.

I, the undersigned, have personal knowledge of this case ; I believe the statement to be correct ; and do therefore commend it to the acceptance of the Board.

*Name* ————

*Residence* ————

Cases of Insanity, of *confirmed* Epilepsy, of the Deaf and Dumb, and of the Blind, are ineligible for admssion by Election.

---

STATEMENT.

*To be filled up in regard to all Children admitted. If any of the Particulars in this Statement be not known, the fact to be so stated.*

1. Christian Name and Surname of Patient at length -
2. Name, Surname and Rank or Profession of the Child's Father. - - - - - - -
3. Name, and Maiden Surname, of the Child's Mother -
4. Date of becoming Chargeable - - - - - -
5. Sex and Age - - - - - - - - - -
6. Previous Place of Abode - - - - - - -
7. Place where Found and Examined - - - - -
8. Whether Imbecile from Birth - - - - -
9. When and where previously Examined and Treatment
10. Supposed Cause - - - - - - - - -
11. Whether Deformed, or affected with Bodily Disease -
12. Whether able to (1) Speak - - - - - -
    (2) Walk - - - - - -
    (3) Dress Self - - - - -
    (4) Feed Self - - - - -
13. Whether subject to Epilepsy - - - - - -
14. Whether Paralytic - - - - - - - - -
15. Whether of Uncleanly Habits - - - - - -
16. Whether Noisy - - - - - - - - -
17. Whether Destructive - - - - - - - -
18. Whether any Relative known to be or to have been Insane - - - - - - - - - -

I certify that, to the best of my knowledge, the above particulars are correctly stated.

* ————

DATED this . day of One thousand nine hundred and

* To be signed by the Applicant for the Child's reception.

APPLICATION TO THE BOARD OF LUNACY TO SANCTION THE RECEPTION OF A PAUPER CHILD INTO AN INSTITUTION FOR THE TRAINING OF IMBECILE CHILDREN.

As it appears from the foregoing Statement and accompanying Medical Certificates that a Pauper Child of the Parish of is capable of deriving benefit from training and treatment in the Institution for the Training of Imbecile Children at May it therefore please your Honourable Board to sanction the said Child's admission into the said Institution.

*Inspector of Poor of the Parish of*

DATED at this day of One thousand nine hundred and

MEDICAL CERTIFICATE, No. 1.

I, the undersigned do hereby certify that I have this day at in the county of personally examined and believe the said Child to be of unsound mind, to be capable of deriving benefit from training and treatment in the Institution for the Training of Imbecile Children at and to be in a fit state of bodily health for removal thereto.

*Signature*
*Medical Qualification*
*Place of Abode*

DATED THIS day of One thousand nine hundred and

MEDICAL CERTIFICATE, No. 2.

I, the undersigned do hereby certify that I have this day at in the county of , personally examined and believe the said Child to be of unsound mind, to be capable of deriving benefit from training and treatment in the Institution for the Training of Imbecile Children at and to be in a fit state of bodily health for removal thereto.

*Signature*
*Medical Qualification*
*Place of Abode*

Dated this day of One thousand nine hundred and

SANCTION BY THE GENERAL BOARD OF LUNACY.

The Board, having had submitted to them the foregoing application and relative documents, hereby sanction * the Admission of into the Institution for the Training of Imbecile Children at

*Secretary*

DATED this day of One thousand nine hundred and

SCOTTISH NATIONAL INSTITUTION FOR THE EDUCATION OF IMBECILE CHILDREN, LARBERT, STIRLINGSHIRE.

MEDICAL CERTIFICATE

I certify that
(aged)
(idiotic or imbecile)
(son or daughter of)
(residing at)
(vaccinated or not)
is in *general good health ;* appears to me a proper object for admission into the Institution, and may be ranked in Class No.
Dated day of

*Signed*

*N.B.*—The cases are classed according to the supposed hopefulness of them under the proposed treatment, If VERY HOPEFUL, Class I. would be suitable ; if HOPEFUL, Class II. ; and if LESS SO, Class III. If SUBJECT TO FITS, severe and frequent, Class IV.

Cases of Insanity, of *confirmed* Epilepsy, of the Deaf and Dumb, and of the Blind, are ineligible for admission, except upon payment.

* This sanction must be renewed unless acted on within twenty-eight days.

## 3.—TABLE OF ANALYSIS OF EXPENDITURE OF THE STEWART INSTITUTION FOR IMBECILES, PALMERSTOWN, COUNTY DUBLIN, 1899–1904.

(*Handed in by Frederick E. Rainsford, Esq., M.D., L.R.C.P.*)

(*See Questions 22478 and 22545.*)

ANALYSIS OF EXPENDITURE, SHOWING DAILY COST OF MAINTENANCE IN PENCE OF EACH PUPIL FOR YEARS 1899 AND 1900; ALSO INCREASE OR DECREASE UNDER EACH HEAD FOR 1900.

| Heads of Account. | Daily Cost per Head in Pence for 1899. | Daily Cost per Head in Pence for 1900. | Increase. | Decrease. |
|---|---|---|---|---|
| Salaries | 1·74 | 1·65 | — | ·09 |
| Wages | 3·78 | 3·85 | ·07 | — |
| Miscellaneous Charges | ·34 | ·50 | ·16 | — |
| Clothing | 1·19 | 1·07 | — | ·12 |
| Fuel | 1·31 | 1·72 | ·41 | — |
| Light | ·58 | ·67 | ·09 | — |
| Stores and Provisions | 6·19 | 6·00 | — | ·19 |
| Laundry Expenses | ·14 | ·11 | — | ·03 |
| Travelling Expenses | ·04 | ·06 | ·02 | — |
| Law Expenses | ·00 | ·00 | — | — |
| Advertisements | ·64 | ·55 | — | ·09 |
| Rent and Taxes | ·69 | ·67 | — | ·02 |
| Repairs and Alterations | ·71 | ·51 | — | ·20 |
| Furniture and Fittings | 1·00 | 1·45 | ·45 | — |
| Insurance on Buildings | ·11 | ·11 | — | — |
| Stationery, Printing and Postage | ·93 | ·80 | — | ·13 |
| Office Account | ·26 | ·25 | — | ·01 |
| Estate Improvement Account | ·34 | ·30 | — | ·04 |
| Mat Account | ·00 | ·05 | ·05 | — |
| Water supply | ·13 | ·12 | — | ·01 |
| Interest on overdraft, Royal Bank | ·69 | ·12 | — | ·57 |
| | 20·81 | 20·56 | 1·25 | 1·50 |
| | 20·56 | — | — | 1·25 |
| Net daily decrease of 1900 from 1899 | ·25 | — | — | ·25 |

The total expenditure for 1900 was £2,955 5s. 8d., being about 1s. 8½d. per day, or, say, £31 3s. 7d. per head per annum.

| | | |
|---|---|---|
| There were 91 pupils on 31st December, 1899, 365 days each to 31st December, 1900 | 33,215 | days. |
| „ „ 18 „ admitted during the year, which added | 4,135 | „ |
| | 37,350 | „ |
| „ „ 13 „ deaths and discharges, which deducted | 2,851 | „ |
| Leaving as total number of days on which above calculation is based | 34,499 | „ |
| Number of days for 1899 on which calculation for that year was based, was | 32,702 | „ |
| Excess of number of days for 1900 over 1899 | 1,797 | „ |

ANALYSIS OF EXPENDITURE, SHOWING DAILY COST AND MAINTENANCE IN PENCE OF EACH PUPIL FOR YEARS 1900 AND 1901; ALSO INCREASE OR DECREASE UNDER EACH HEAD FOR 1901.

| Heads of Account. | Daily Cost per Head in Pence for 1900. | Daily Cost per Head in Pence for 1901. | Increase. | Decrease. |
|---|---|---|---|---|
| Salaries | 1·65 | 1·57 | — | ·08 |
| Wages | 3·85 | 3·86 | ·01 | — |
| Miscellaneous Charges | ·50 | ·43 | — | ·07 |
| Clothing | 1·07 | 1·45 | ·38 | — |
| Fuel | 1·72 | 1·55 | — | ·17 |
| Light | ·67 | ·76 | ·09 | — |
| Stores and Provisions | 6·00 | 6·82 | ·82 | — |
| Drugs and Medical Appliances | ·00 | ·11 | ·11 | — |
| Laundry Expenses | ·11 | ·16 | ·05 | — |
| Travelling Expenses | ·06 | ·04 | — | ·02 |
| Law Expenses | ·00 | ·29 | ·29 | |
| Advertisements | ·55 | ·48 | — | ·07 |
| Rent and Taxes | ·67 | ·95 | ·28 | |
| Repairs and Alterations | ·51 | 1·72 | 1·21 | — |
| Furniture and Fittings | 1·45 | ·98 | — | ·47 |
| Insurance on Buildings | ·11 | ·12 | ·01 | — |
| Stationery, Printing and Postage | ·80 | ·84 | ·04 | — |
| Office Account | ·25 | ·22 | — | ·03 |
| Estate Improvement Account | ·30 | ·50 | ·20 | — |
| Mat Account | ·05 | ·09 | ·04 | — |
| Water Supply | ·12 | ·12 | — | — |
| Interest on overdraft, Royal Bank | ·12 | ·44 | 0·32 | — |
| | 20·56 | 23·50 | 3·85 | ·91 |
| | — | 20·56 | ·91 | — |
| Net daily decrease of 1901 over 1900 | — | 2·94 | 2·94 | — |

The total expenditure for 1901 was £3,493 7s. 3d., being about 1s. 11½. per day or £35 14s. 10d. per head per annum.

| | | |
|---|---|---|
| There were 96 pupils on 31st December, 1900, 365 days each to 31st December, 1901 | 35,040 | days. |
| „ „ 15 „ admitted during the year, which added | 3,377 | „ |
| | 38,417 | „ |
| „ „ 16 „ deaths and discharges, which deducted | 2,742 | „ |
| Leaving as total number of days on which above calculation is based | 35,675 | „ |
| Number of days for 1900 for which calculation for that year was based was | 34,499 | „ |
| Excess of number of days for 1901 over 1900 | 1,176 | „ |

ANALYSIS OF EXPENDITURE, SHOWING DAILY COST OF MAINTENANCE IN PENCE OF EACH PUPIL FOR YEARS 1901 AND 1902; ALSO INCREASE OR DECREASE UNDER EACH HEAD FOR 1902.

| Heads of Account. | Daily Cost per Head in Pence for 1901. | Daily Cost per Head in Pence for 1902. | Increase. | Decrease. |
|---|---|---|---|---|
| Salaries | 1·57 | 1·65 | ·08 | — |
| Wages | 3·86 | 3·88 | ·02 | — |
| Miscellaneous Charges | ·43 | ·45 | ·02 | — |
| Clothing | 1·45 | ·98 | — | ·47 |
| Fuel | 1·55 | 1·56 | ·01 | — |
| Light | ·76 | ·75 | — | ·01 |
| Stores and Provisions | 6·82 | 6·12 | — | ·70 |
| Drugs and Medical Appliances | ·11 | ·09 | — | ·02 |
| Laundry Expenses | ·16 | ·16 | — | — |
| Law Expenses | ·29 | ·00 | — | ·29 |
| Travelling Expenses | ·04 | ·05 | ·01 | — |
| Advertisements | ·48 | ·46 | — | ·02 |
| Rent and Taxes | ·95 | ·72 | — | ·23 |
| Repairs and Alterations | 1·72 | ·93 | — | ·79 |
| Furniture and Fittings | ·98 | ·69 | — | ·29 |
| Insurance on Buildings | ·12 | ·12 | — | — |
| Stationery, Printing and Postage | ·84 | ·78 | — | ·06 |
| Office Account | ·22 | ·18 | — | ·04 |
| Estate Improvement Account | ·50 | ·63 | ·13 | — |
| Mat Account | ·09 | ·02 | — | ·07 |
| Water Supply | ·12 | ·13 | ·01 | — |
| Loom Account | ·00 | ·28 | ·28 | — |
| Interest on overdraft, Royal Bank | ·44 | ·34 | — | ·10 |
| | 23·50 | 20·97 | ·56 | ·09 |
| | 20·97 | — | — | ·56 |
| Net daily decrease of 1902 from 1901 | 2·53 | — | — | 2·53 |

The total expenditure for 1902 was £3,177 9s. 9d., being about 1s. 9d. per day or £31 18s. 9d. per head per annum.

| | | |
|---|---|---|
| There were 95 pupils on 31st December, 1901, 365 days each to 31st December, 1902 | 34,675 | days. |
| „ „ 17 „ admitted during year, which added | 4,213 | „ |
| | 38,888 | „ |
| „ „ 17 „ deaths and discharges, which deducted | 2,530 | „ |
| Leaving as total number of days on which above calculation is based | 36,358 | „ |
| Number of days for 1901 on which calculation for that year was based was | 35,675 | „ |
| Excess of number of days for 1902 over 1901 | 683 | „ |

ANALYSIS OF EXPENDITURE, SHOWING DAILY COST OF MAINTENANCE IN PENCE OF EACH PUPIL FOR YEARS 1902 AND 1903 ; ALSO INCREASE OR DECREASE UNDER EACH HEAD FOR 1903.

| Heads of Account. | Daily Cost per Head in Pence for 1902. | Daily Cost per Head in Pence for 1903. | Increase. | Decrease. |
|---|---|---|---|---|
| Salaries | 1·65 | 1·68 | ·03 | — |
| Wages | 3·88 | 3·98 | ·10 | — |
| Miscellaneous Charges | ·45 | ·64 | ·19 | — |
| Clothing | ·98 | ·71 | — | ·27 |
| Fuel | 1·56 | 1·52 | — | ·04 |
| Light | ·75 | ·75 | — | — |
| Stores and Provisions | 6·12 | 6·26 | ·14 | — |
| Drugs and Medical Appliances | ·09 | ·09 | — | — |
| Laundry Expenses | ·16 | ·15 | — | ·01 |
| Law Expenses | ·00 | ·14 | ·14 | — |
| Travelling Expenses | ·05 | ·04 | — | ·01 |
| Advertisements | ·46 | ·56 | ·10 | — |
| Rent and Taxes | ·72 | ·70 | — | ·02 |
| Repairs and Alterations | ·93 | ·72 | — | ·21 |
| Furniture and Fittings | ·69 | ·96 | ·27 | — |
| Insurance on Buildings | ·12 | ·13 | ·01 | — |
| Stationery, Printing and Postage | ·78 | 1·08 | ·30 | — |
| Office Account | ·18 | ·19 | ·01 | — |
| Estate Improvement Account | ·63 | ·40 | — | ·23 |
| Mat Account | 02 | ·00 | — | ·02 |
| Water Supply | ·13 | ·10 | — | ·03 |
| Loom Account | ·28 | ·01 | — | ·27 |
| Interest on overdraft, Royal Bank | ·34 | ·05 | — | ·29 |
| | 20·97 | 20·86 | 1·29 | 1·40 |
| | 20·86 | — | — | 1·29 |
| Net daily decrease of 1903 from 1902 | ·11 | — | — | ·11 |

The total expenditure for 1903 was £3,171 1s. 9d., being about 1s. 8½d. per day or £31 12s. 8d. per head per annum.

| | | |
|---|---|---|
| There were 95 pupils on 31st December, 1902, 365 days each to 31st December, 1903 | 34,675 | days. |
| „ „ 17 „ admitted during the year, which added | 4,004 | „ |
| | 38,679 | „ |
| „ „ 13 „ deaths and discharges, which deducted | 2,194 | „ |
| Leaving as total number of days on which above calculation is based | 36,485 | „ |
| Number of days for 1902 on which calculation for that year was based, was | 36,358 | „ |
| Excess of number of days for 1903 over 1902 | 127 | „ |

ANALYSIS OF EXPENDITURE, SHOWING DAILY COST OF MAINTENANCE IN PENCE OF EACH PUPIL FOR YEARS 1903 AND 1904; ALSO INCREASE OR DECREASE UNDER EACH HEAD FOR 1904.

| Heads of Account. | Daily Cost per Head in Pence for 1903. | Daily Cost per Head in Pence for 1904. | Increase. | Decrease. |
|---|---|---|---|---|
| Salaries | 1·68 | 1·61 | — | ·07 |
| Wages | 3·98 | 3·94 | — | ·04 |
| Miscellaneous Charges | ·64 | ·49 | — | ·15 |
| Clothing | ·71 | ·66 | — | ·05 |
| Fuel | 1·52 | 1·74 | ·22 | — |
| Light | ·75 | ·69 | — | ·06 |
| Stores and Provisions | 6·26 | 5·92 | — | ·34 |
| Drugs and Medical Appliances | ·09 | ·09 | — | — |
| Laundry Expenses | ·15 | ·21 | ·06 | — |
| Travelling Expenses | ·04 | ·03 | — | ·01 |
| Law Expenses | ·14 | ·00 | — | ·14 |
| Advertisements | ·56 | ·55 | — | ·01 |
| Rent and Taxes | ·70 | ·41 | — | ·29 |
| Repairs and Alterations | ·72 | ·49 | — | ·23 |
| Furniture and Fittings | ·96 | ·39 | — | ·57 |
| Insurance on Buildings | ·13 | ·12 | — | ·01 |
| Stationery, Printing and Postage | 1·08 | ·82 | — | ·26 |
| Office Account | ·19 | ·20 | ·01 | — |
| Estate Improvement Account | ·40 | ·44 | ·04 | — |
| Mat Account | ·00 | ·02 | ·02 | — |
| Loom Account | ·01 | ·00 | — | ·01 |
| Water Supply | ·10 | ·12 | ·02 | — |
| Interest on overdraft, Royal Bank | ·05 | ·26 | ·21 | — |
| | 20·86 | 19·20 | ·58 | 2·24 |
| | 19·20 | — | — | ·58 |
| Net daily decrease of 1904 from 1903 | 1·66 | — | — | 1·66 |

The total expenditure for 1904 was £3,033 15s. 7d., being about 1s. 7½d. per day, or £29 5s. 7d. per head per annum.

| | | |
|---|---|---|
| There were 99 pupils on 31st December, 1903, 366 days each to 31st December, 1904 | 36,234 | days. |
| „ „ 16 „ admitted during year, which added | 4,009 | „ |
| | 40,243 | „ |
| „ „ 13 „ deaths and discharges, which deducted | 2,322 | „ |
| Leaving as total number of days on which above calculation is based | 37,921 | „ |
| Number of days for 1903 on which calculation for that year was based was | 36,485 | „ |
| Excess of number of days for 1904 over 1903 | 436 | „ |

## (3a) COPY OF RESOLUTION PASSED AT A MEETING OF THE COMMITTEE OF THE STEWART INSTITUTION FOR IMBECILE CHILDREN AND HOSPITAL FOR MENTAL DISEASES, ON MONDAY, 28TH OCTOBER, 1907.

*(Sent in by William McC. O'Neill, Esq., Secretary to the Stewart Institution).*

The Committee of the Stewart Institution for Imbecile Children being desirous to extend its benefits, as far as possible, to the poorer classes, and with a view to utilising certain accommodation still vacant in the buildings, would suggest to the members of the Commission on the Care of the Feeble-minded that this might be accomplished by an arrangement for enabling *Protestant* imbeciles, at present in local unions throughout Ireland, to be admitted *without Election* at a uniform charge of £30 per annum. Under the provisions of the Poor Afflicted Persons Relief Act, 1878, local boards of guardians have power to contribute up to £13 per annum towards maintenance of children from their respective districts (if elected), and if the balance of £17 per annum were made up by Government Capitation Grant, such children might be received at any time, as above, and the unions relieved to some extent of a burthen with which they cannot at present deal satisfactorily. The admission and retention of such imbeciles to be subject to such regulations as are in force in other institutions of the same character, as the committee may deem expedient, and as the available accommodation from time to time may admit.

*Moved by* MARCUS T. MOSES, Esq., J.P.

*Seconded by* HENRY P. GOODBODY, Esq.

Passed unanimously.

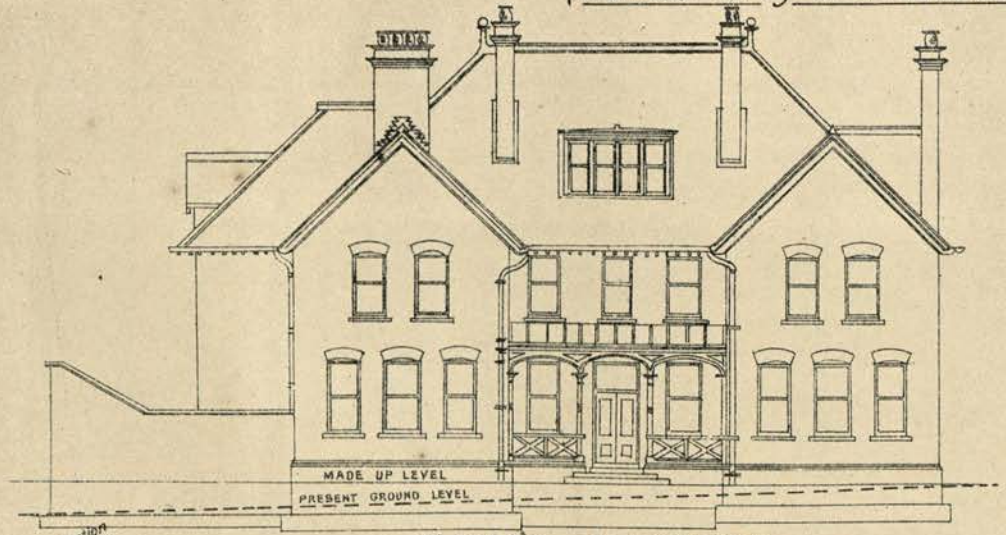
F. C. EARLE-BLAND,

*Chairman.*

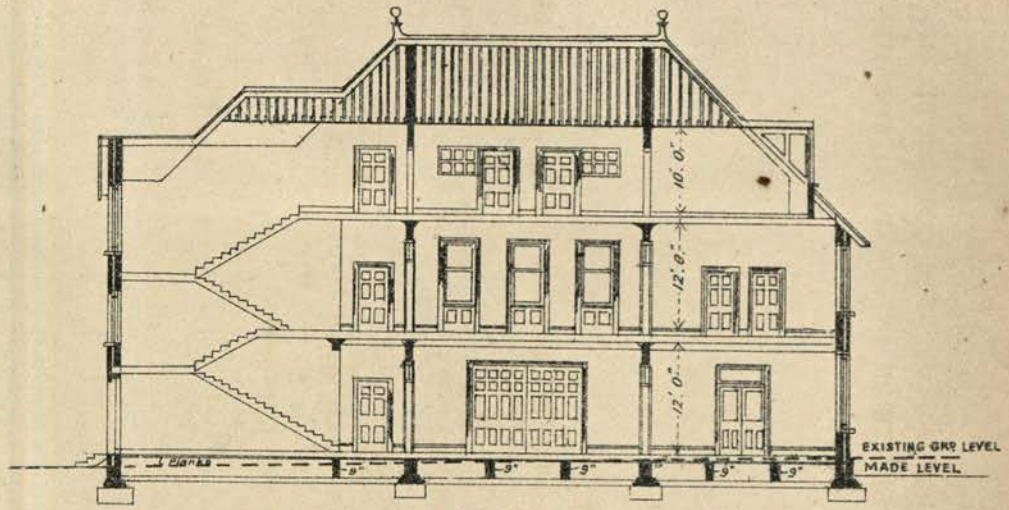
# 4.- BELFAST ASYLUM — PROPOSED VILLAS — PURDYSBURN

## BLOCK B.

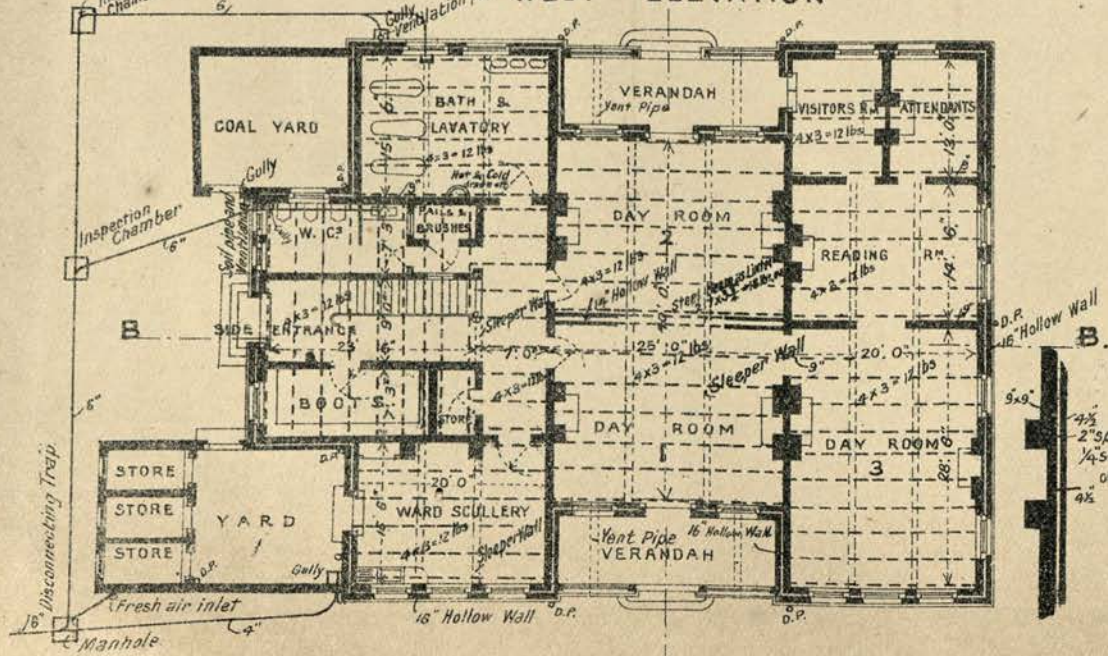
*(Handed in by J.W. Gardner. Esq. See Question 23271.)*



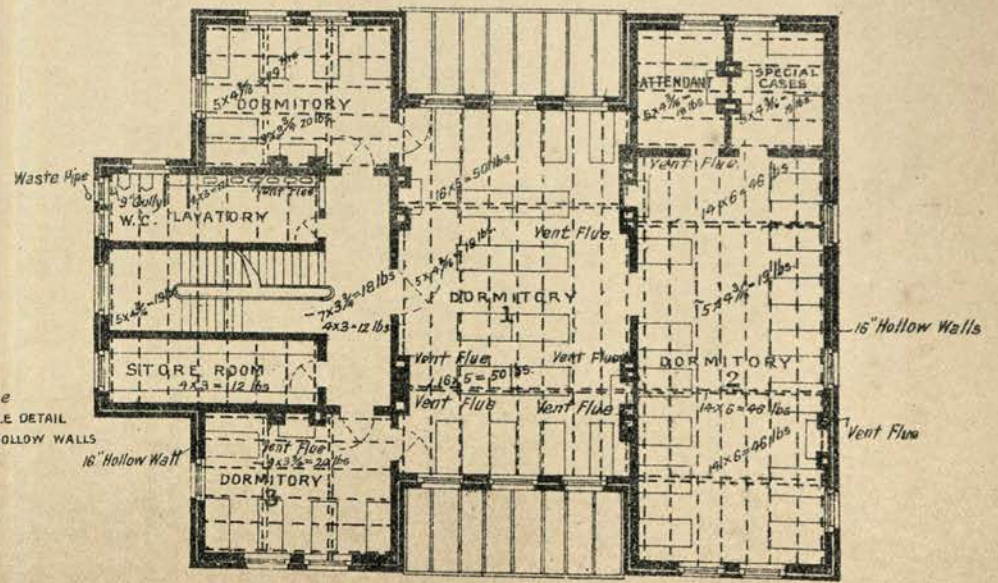

WEST ELEVATION




SECTION B.B.




GROUND FLOOR PLAN




FIRST FLOOR PLAN

Scale of Feet.

10 5 0 10 20 30 40 50 60 Feet


Weller & Graham, Ltd Litho London.

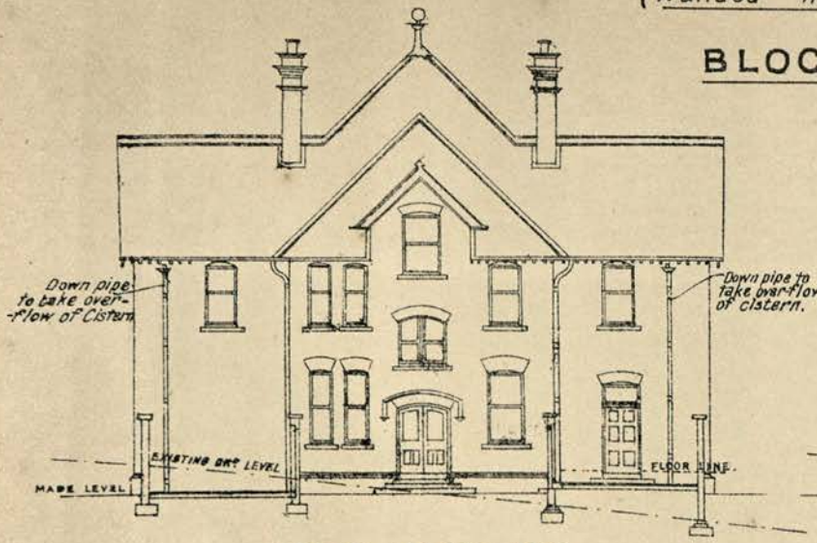

Graeme-Watt & Tulloch
Architects
Belfast.

337.

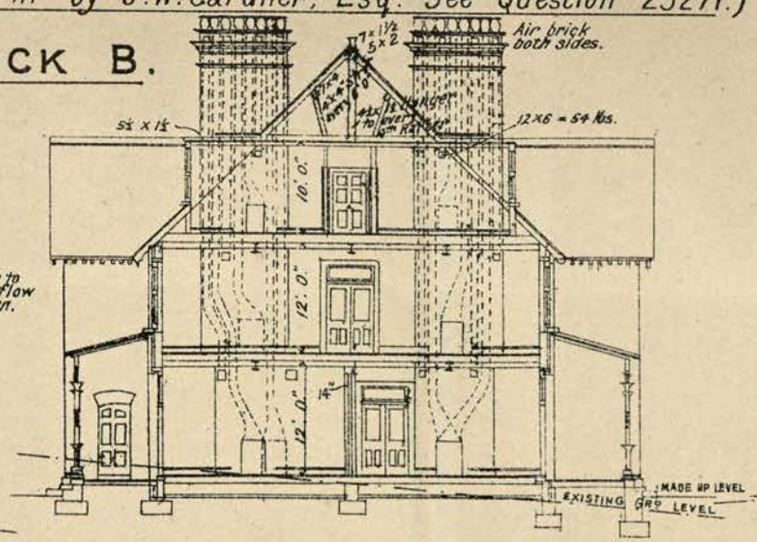
# 5 - BELFAST ASYLUM — PROPOSED VILLAS — PURDYSBURN

(Handed in by J.W. Gardner, Esq. See Question 23271.)

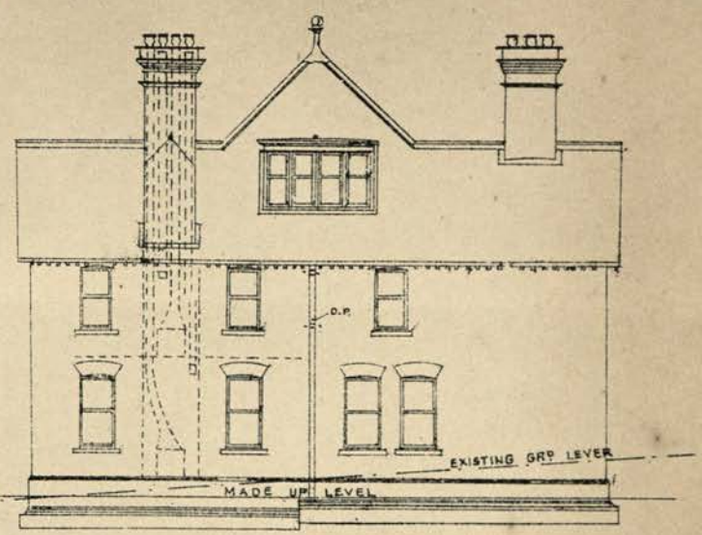
## BLOCK B.



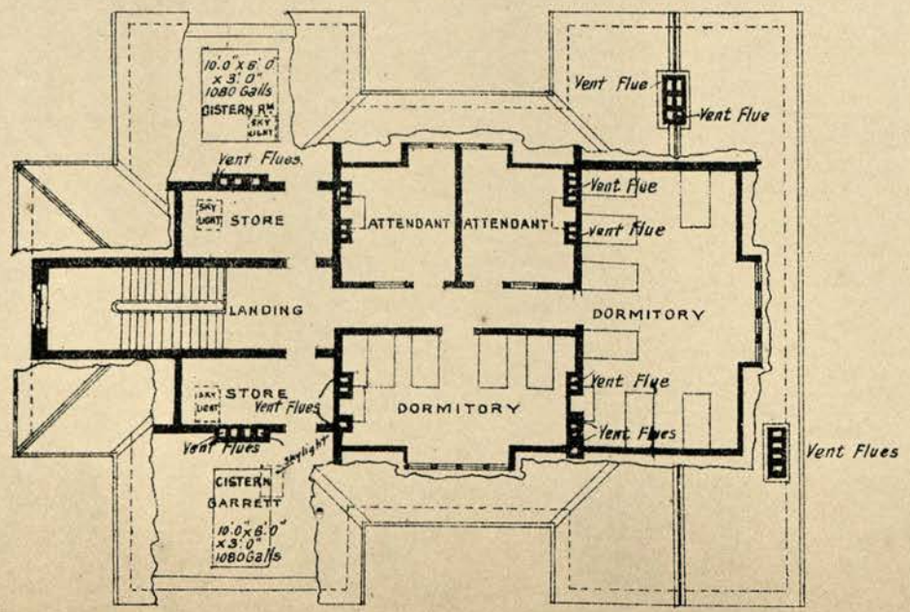

NORTH ELEVATION



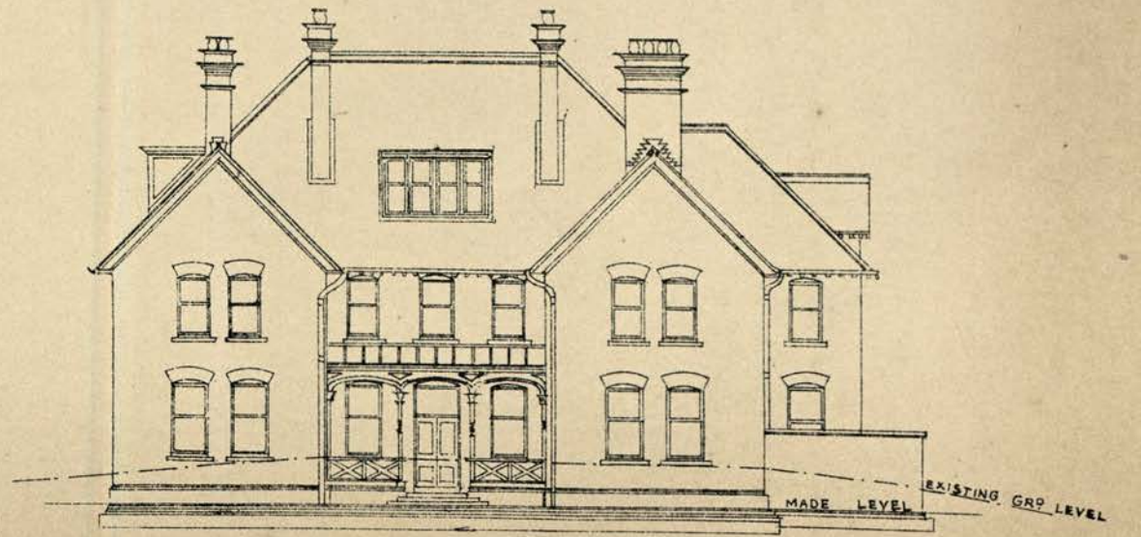

SECTION A.A.




SOUTH ELEVATION




SECOND FLOOR PLAN




EAST ELEVATION

Scale of Feet

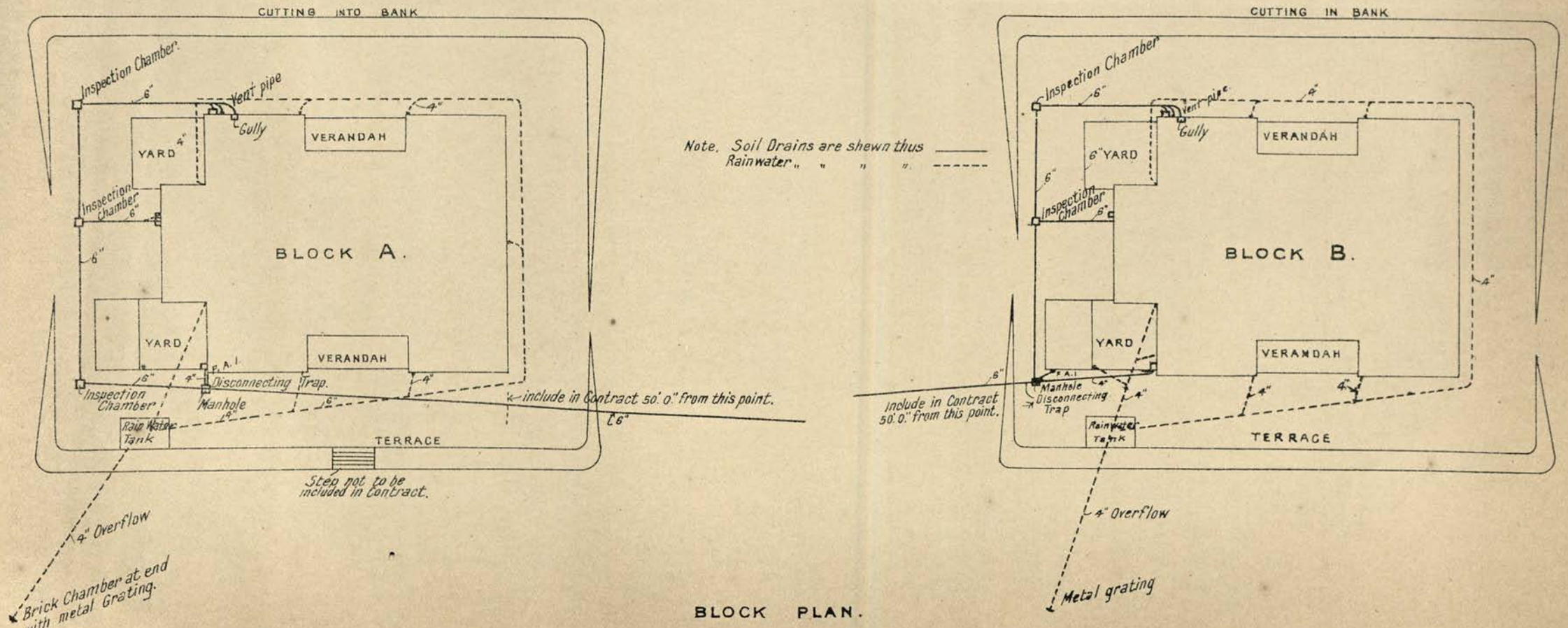
10 5 0 10 20 30 40 50 60

347 06. Weller & Graham, Ltd. Litho London.

Graeme-Watt & Tulloch
Architects,
Belfast.

# 6 – BELFAST ASYLUM PROPOSED VILLAS PURDYSBURN

(Handed in by J. W. Gardner. Esq. See. Question 23271.)




BLOCK PLAN.

Scale of Feet.

10 5 0 10 20 30 40 50 60 70 80 90 100 110 120 130 140 150

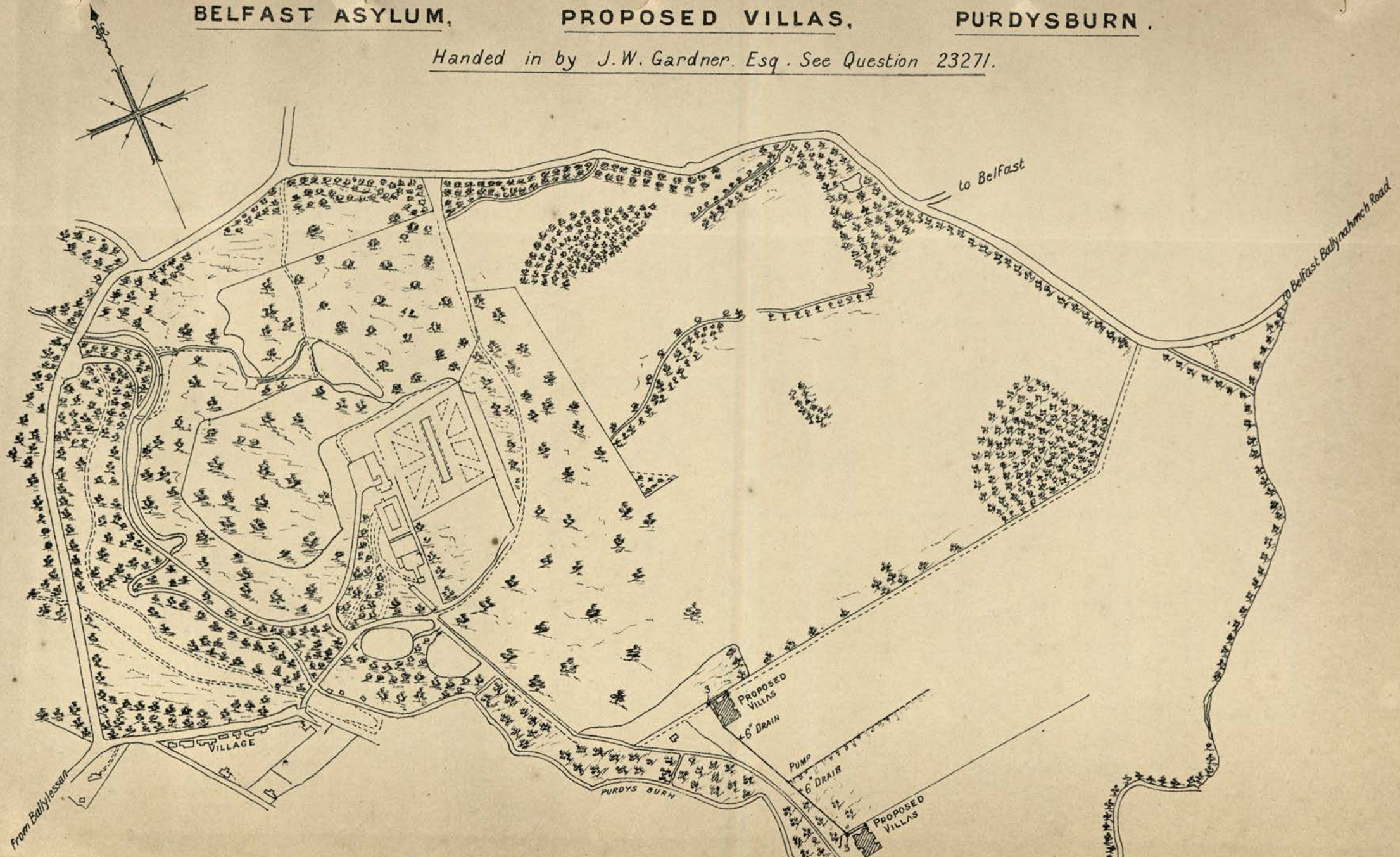
347. 06. Weller & Graham, Ltd Litho. London.

Graeme-Watt & Tulloch Architects

339.

# BELFAST ASYLUM, PROPOSED VILLAS, PURDYSBURN.

*Handed in by J.W. Gardner. Esq. See Question 23271.*




BLOCK PLAN.

Scale of Feet

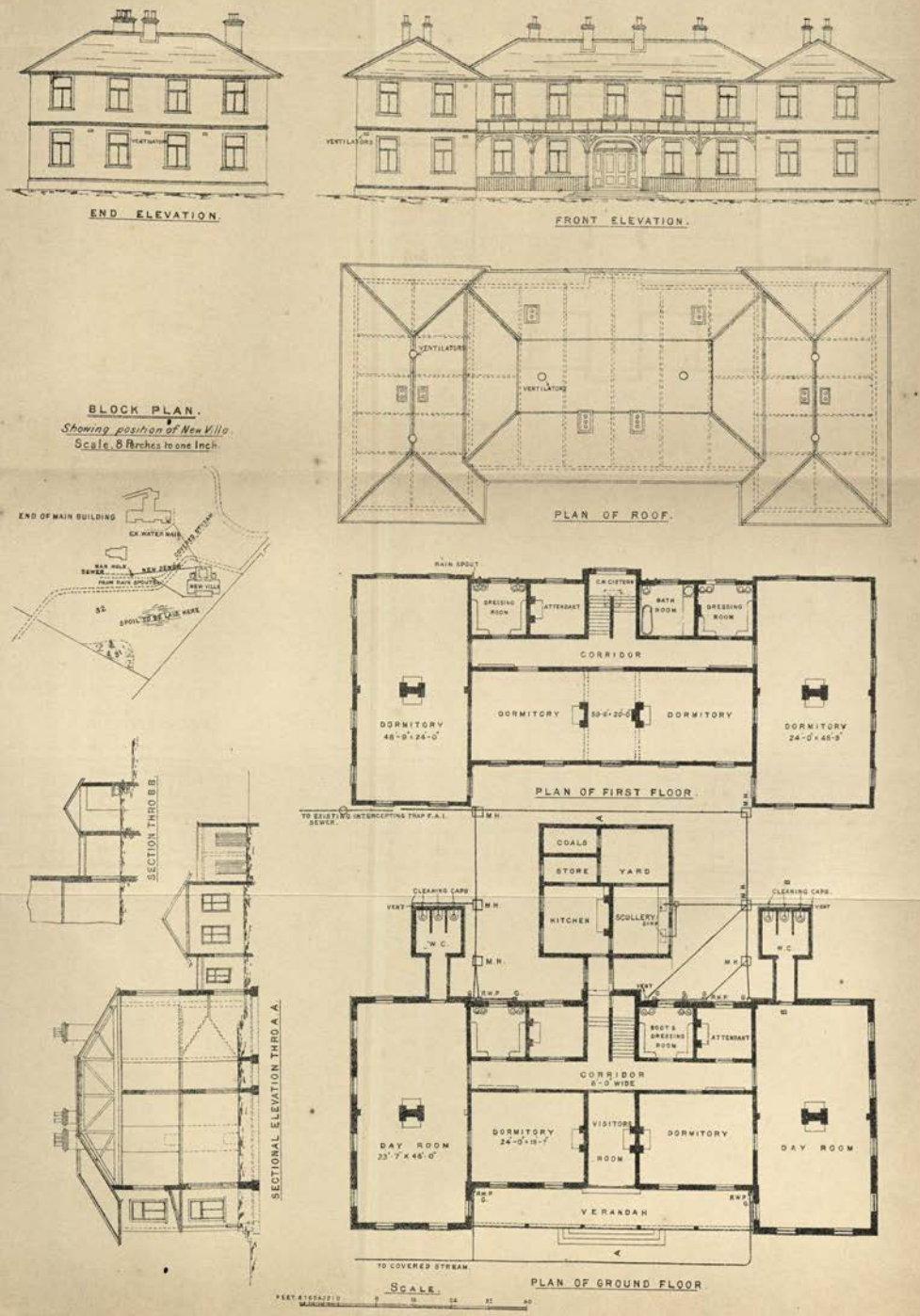
100 50 0 100 200 300 400 500 600 700 800 FEET

Graeme - Watte Tulloch
Architects
77a Victoria St., Belfast.

347. 8. 05 Weller & Graham, Ltd Litho. London.

# 8.- COUNTY ANTRIM ASYLUM PLAN OF NEW VILLA.

*(Handed in by J. W. Gardner, Esq. See Question 23271.)*



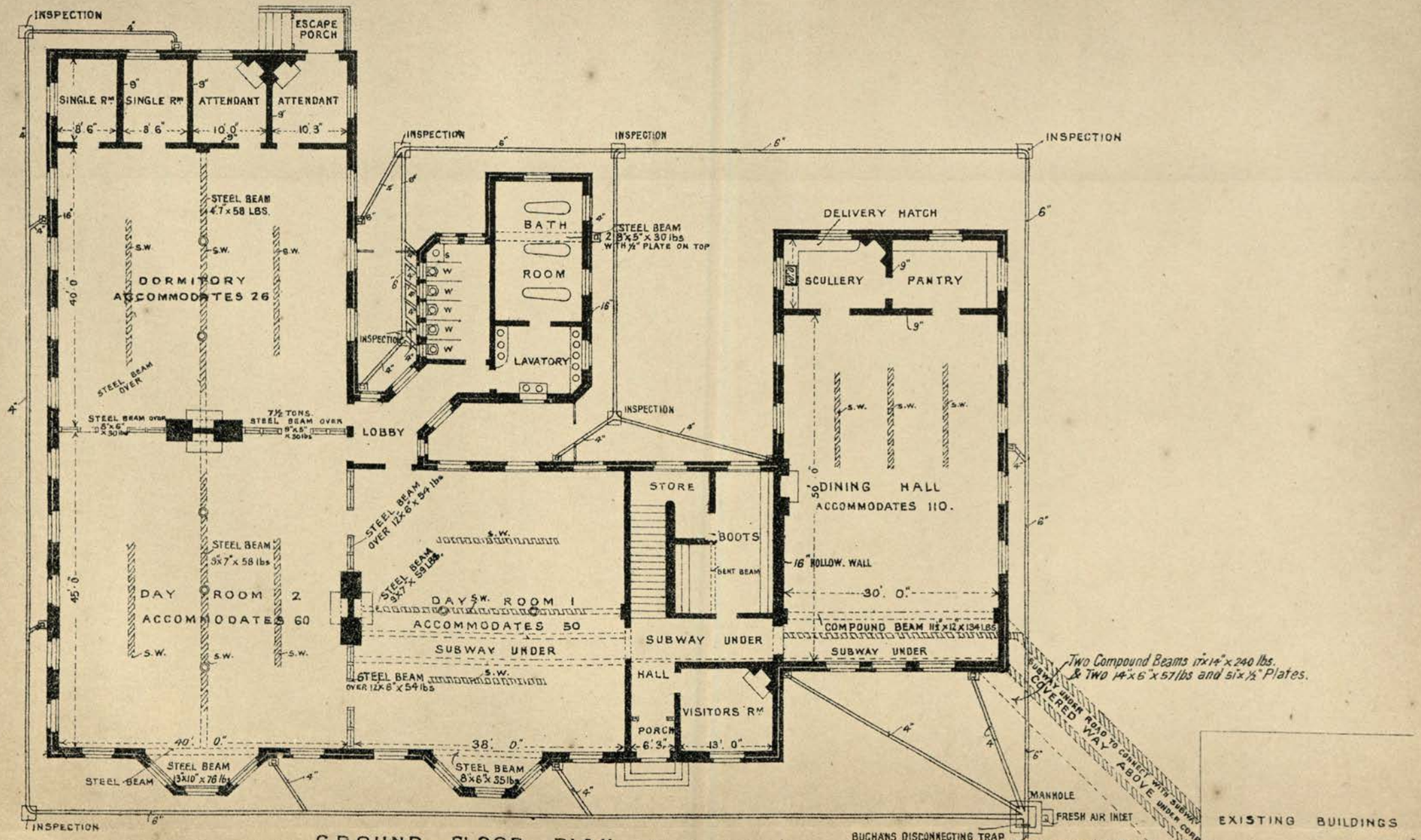

347 26

Ilasit Wilson, Arch.
Belfast.

Weller & Graham, Ltd. Litho London.

# 9 – DOWN DISTRICT ASYLUM ADDITIONAL BLOCK FEMALE SIDE

*(Handed in by J.W. Gardner. Esq. See Question 23271.)*




GROUND FLOOR PLAN

Scale of Feet.

8 4 0 8 16 24 32 40

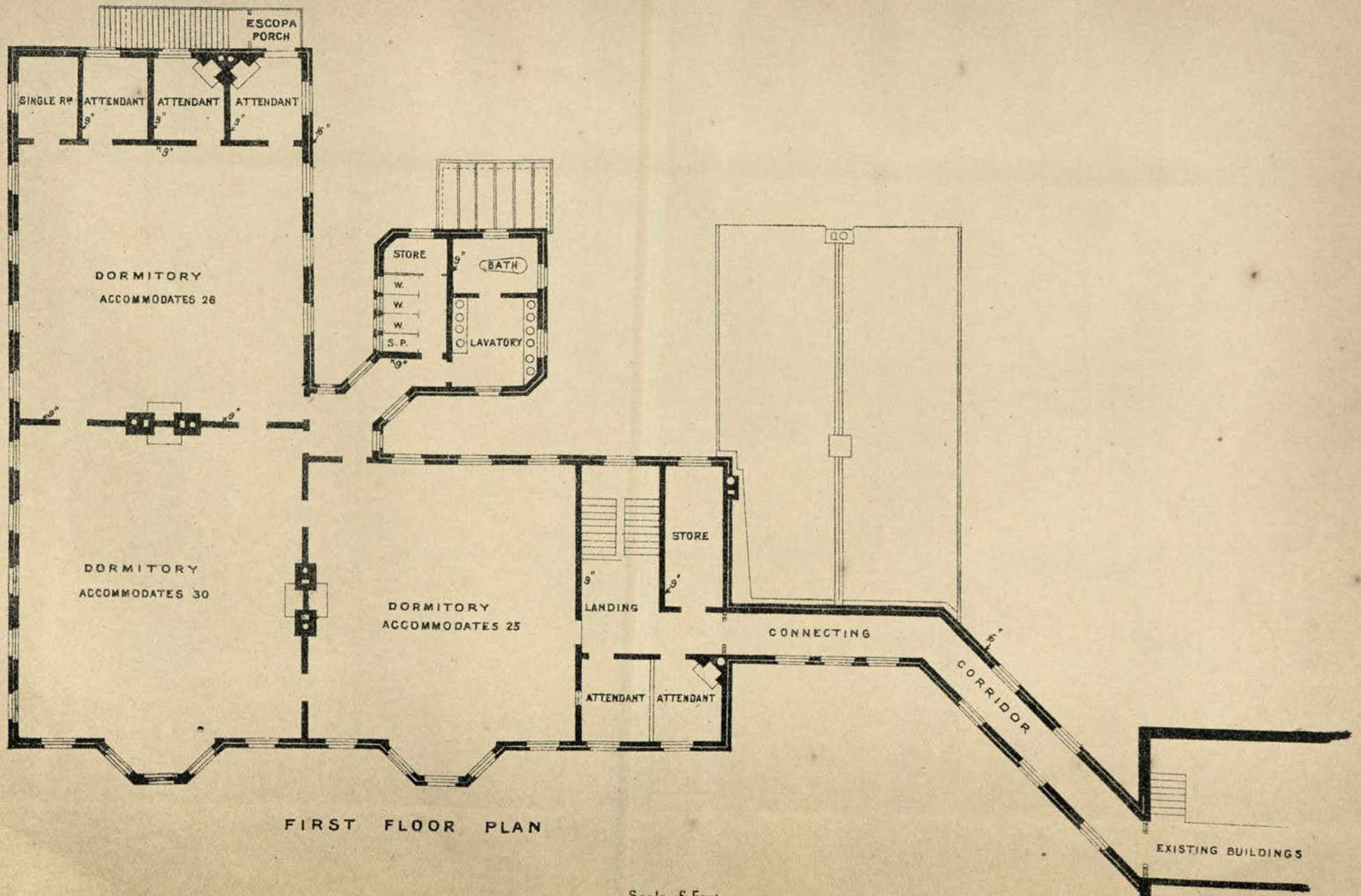


347. 05.

Weller & Graham, Ltd Litho. London.

# 10.—DOWN DISTRICT ASYLUM. ADDITIONAL BLOCK FEMALE SIDE

*(Handed in by J. W. Gardner. Esq. See Question 23271.)*




FIRST FLOOR PLAN

Scale of Feet

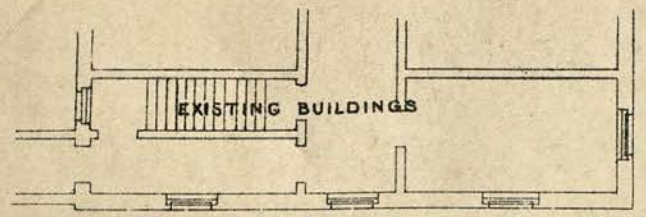
0 4 8 16 24 32 40 48 FT.

Graeme-Watt and Tulloch
Architects.
Belfast.

347. 7.06 Weller & Graham, Ltd Litho. London.

# DOWN DISTRICT ASYLUM — II- ADDITIONAL BLOCK — MALE SIDE.

(Handed in by J.W. Gardner. Esq. See Question 23271.)




ESCAPE PORCH
OMIT WINDOW
INSPECTION
ATTENDANT
ATTENDANT
STORE
30' 0"
10" x 5" x 45 LBS.
DORMITORY
ACCOMMODATES 17
34' 0"
STEELBEAM OVER 8" x 5" x 30 LBS.
HEAD ATTEND.T
STORE UNDER STAIR
PRESS
HEAD ATT. BEDROOM
HALL
8" x 6" STEEL LINTEL
DAY ROOM
10" x 6" x 45 LBS.
16 TONS
16 TONS
16 TONS ON BEAM
ACCOMMODATES 69
10" x 6" BEAM TO REST ON RANGE OF 12" x 6" AND TO BE SECURELY BOLTED TO SAME WITH ANGLE IRON CONNECTIONS.
12" x 15" x 39 LBS.
BUCHANS TRAP
9" DRAIN CARRIED 40 FEET AND CONNECTED INTO EXISTING MANHOLE
STORE
BOOTS
15' 0"
10' 0"
15' 0"
67' 0"
8" x 6" x 35 LBS.
8" x 6" x 35 LBS.
DOTTED LINES SHOW SUBWAY FOR STEAMPIPES
COVERED WAY
PORCH

## GROUND FLOOR PLAN

Scale of Feet
0 4 8 16 24 32 40 48

Grame - Watt and Tulloch
Architects
Belfast

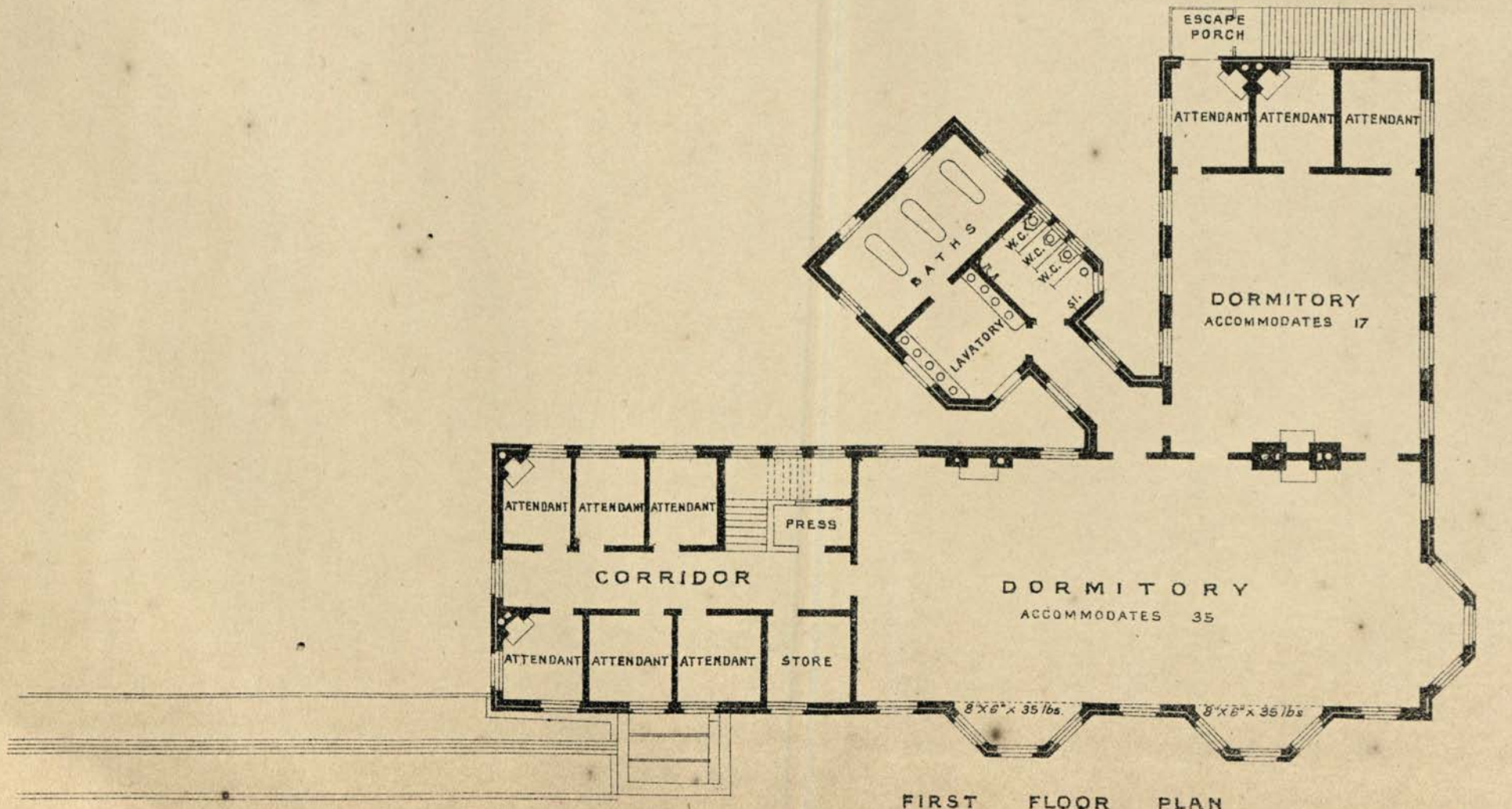
347. Weller & Graham, Ltd Litho. London.

345.

# 12- DOWN DISTRICT ASYLUM, ADDITIONAL BLOCK MALE SIDE

*(Handed in by J.W. Gardner. Esq: See Question 23271.)*

EXISTING BUILDINGS




FIRST FLOOR PLAN

Scale of Feet

10 5 0 10 20 30 40 50

Graeme-Watt & Tulloch
Architects
Belfast.

346.

347. 06. Weller & Graham, Ltd Litho. London.

## 13.—COPY OF INEBRIATES AMENDMENT (SCOTLAND) BILL.

*(Handed in by John Cunningham, Esq., M.B. See Question 24564.)*

### ARRANGEMENT OF CLAUSES.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## INEBRIATES ACTS.

### MEMORANDUM ON THE DRAFT BILL TO AMEND THE INEBRIATES ACTS 1879 TO 1900 IN THEIR APPLICATION TO SCOTLAND.

The Bill, which is only applicable to Scotland, consists of 19 clauses.

Clauses 1, 2, 3, and 4, are of a formal nature and need not be referred to in detail.

Clause 5 repeals the section of the Act of 1898 dealing with criminal habitual drunkards, which in practice has been found of little use. In lieu thereof it substitutes a new clause dealing with the same persons. The repealed clause reads as follows:—

23. (1) Where in Scotland a person is convicted *on* indictment of an offence punishable with imprisonment or penal servitude, if the court is satisfied from the evidence that the offence was committed under the influence of drink, or that drunkenness was a contributing cause of the offence, and the offender *admits that he is or is found by the jury to be* a habitual drunkard, the court may, in addition to or in substitution for any other sentence, order that he be detained for a term not exceeding three years in any State inebriate reformatory or in any certified inebriate reformatory, the managers of which are willing to receive him.

(2.) *In the proceedings under an indictment in pursuance of this section, where at the first diet the accused has pleaded not guilty, at the second diet the jury shall in the first instance be sworn and the accused shall then be tried on so much only of the indictment as charges the said offence, and if he is found guilty, the same jury shall, unless the accused admits that he is a habitual drunkard, be re-sworn to inquire whether he is a habitual drunkard. Where at the first diet the accused pleads guilty of the offence, but denies that he is a habitual drunkard, the plea shall be recorded, and at the second diet the jury shall be sworn to inquire whether he is a habitual drunkard.*

(3.) This section shall be substituted in Scotland for Section 1 of this Act.

[The italics show what is proposed to be altered by the new clause.]

Clause 6 repeals Section 24 of the Act of 1898, and in lieu thereof enacts a new provision.

Under the existing Act a person who is a habitual drunkard and who within the preceding year has been summarily convicted three times for any of the offences referred to in the Act, may be tried on indictment before the High Court of Justiciary or the sheriff with a jury, or with his own consent by the sheriff summarily, and may be ordered to be detained for a term not exceeding three years in any certified inebriate reformatory the managers of which are willing to receive him.

The new clause proposes to give the power to deal with such cases to the sheriff without a jury, or, with the consent of the person charged, to any two magistrates or justices.

From experience in the administration of Girgenti Certified Inebriate Reformatory belonging to the Corporation of Glasgow, it has been found that there is a defect in the existing Act, in respect it gives no control or supervision over an inmate who has completed the period of detention. It is thought that there should be some power of supervision over an inmate after discharge, but in the meantime, the framers of this Bill do not feel justified in asking for such a power. What they have done is to propose that where a person, who has been detained in an inebriate reformatory, again commits a scheduled offence, the fact of having already been in a reformatory should be equivalent to three previous convictions, and the sheriff should have power to send such a person back at once to a reformatory.

It has also been proved from experience at Girgenti that a large number of habitual drunkards are not fit subjects for treatment in a reformatory under the charge of a municipality, but are persons who should be sent either to a State inebriate reformatory or to a poorhouse, and Clause 6 provides for such cases.

Again, there are cases of habitual drunkards with four or more convictions within a year who are neither fit

subjects for a reformatory nor for a poorhouse, and the clause gives the sheriff power to send such persons straight to prison for a year.

Clause 7 is an entirely new provision, and has been the subject of great consideration on the part of the framers of the Bill.

Over and over again cases have been brought under the notice of magistrates in which persons were squandering their means in drink and bringing their families speedily to the verge of poverty, and yet keeping out of the hands of the police. It is felt that there should be some power to deal with such persons, and Clause 7 is an endeavour to provide machinery for doing so.

In order to meet the argument that any such legislation involves an undue interference with the liberty of the subject, the clause contains certain safeguards to ensure that no person will be interfered with unless he is unfit to enjoy the exercise of full liberty.

Shortly stated, the machinery is as follows:—A relative or the legal guardian of the person has to commence the proceedings, and in the first place has to satisfy the sheriff or two magistrates or justices of the peace that there is a *prima facie* case for asking that the person complained of should be sent to an inebriate reformatory. He then presents a petition to the sheriff, who may order the person complained of to be cited to appear for trial. If after trial the sheriff is satisfied that the person is a habitual drunkard, and by reason of his conduct and habits of life is a fit and proper subject for treatment in an inebriate reformatory, he may order him to be sent to such a reformatory. The person is further protected by provision being made (1) for any of the relatives appearing in opposition to any application to send him to a reformatory, and (2) for the person himself, after he is in a reformatory, applying to the sheriff of the county in which the reformatory is situated for his release.

Clause 8 adds to the list given in the First Schedule to the Act of 1898 several offences which are specified in the Second Schedule to the Bill.

Clause 9 provides for the parish, burgh, or county council of any district which is responsible for the maintenance of an inebriate reformatory being heard in opposition to any application for a license to establish another inebriate reformatory for the maintenance of which the same ratepayers would also be liable.

Clause 10 gives to parish councils the same power as town and county councils already possess to establish and maintain, or to contribute to the establishment and maintenance of, inebriate reformatories.

A question has been raised as to whether two authorities should have equal powers for the same purpose. The reply to this question is simply this, that there are different classes of people who fall to be treated in such reformatories. There are those persons who if they were not in an inebriate reformatory, would fall to be maintained by the parish council, and there is no reason why the parish council should not have the power of contributing towards their maintenance when they find their way to an inebriate reformatory.

Again, if habitual drunkards are to be effectually dealt with, a much larger scheme must be undertaken than has hitherto been attempted, and parish councils should be equally able to deal with these persons. It has been suggested that where, for instance, two or three parish councils are each maintaining a separate poorhouse they might combine and arrange for the buildings being used not only for ordinary poorhouse inmates but for the purposes of an inebriate reformatory.

It must be kept in mind that although town and county councils have since 1898 had the power to establish inebriate reformatories, only the Corporation of Glasgow and the county council of the county of Lanark have established such institutions.

Clause 11 is an attempt to deal with the difficult problem of the habitual drunkard who is also a habitual pauper, having no regular occupation or means of subsistence, and who does not want to work if he can help it. What is proposed to be done is to give a parish council power to ask the sheriff to send such a person for compulsory detention either in an inebriate reformatory or in a poorhouse.

The class of persons aimed at in the clause are what are commonly known as "ins and outs," and the parish councils have long felt that they should have some power of detention in connection with such persons.

Clause 12 removes a doubt which exists as to whether town and county councils can carry on inebriate retreats, to which habitual drunkards may, with their own consent, be sent for detention. It is merely a permissive power to a town or county council to establish a retreat, and the town or county council would be under no obligation to start such a place unless they saw good cause to do so.

If, however, such retreats were established, Clause 7 of the Bill, or a similar clause, if passed, might be found of great service in inducing persons who were addicted to drink, and who were able to pay for their own maintenance, to go voluntarily to such retreats instead of running the risk of being sent compulsorily to an inebriate reformatory.

Clause 13 deals with persons detained in a reformatory who unfortunately become lunatics.

Clause 14 provides that where a person who commits an offence leaves a pledge and fails to appear at the court, the declaration of the forfeiture of the pledge shall have the same force and effect as a conviction.

Clause 15 provides for proceedings being taken for any of the offences therein set forth.

Clause 16 meets a difficulty which has arisen in practice; for instance, where a person has been remitted from a police court to the sheriff court for trial under the Inebriates Acts there is no power to detain such person until the date of his trial. He can only be cited to appear before the sheriff, and not infrequently such a person fails to appear and cannot be afterwards found.

Clause 17 provides for the wife or husband of the person complained against being a witness.

Clause 18 amends Section 12 of the Act of 1898, which provides for the cost of maintenance of a person being recovered from such person if he happens to have more than sufficient to maintain his family. This new clause provides that the husband or wife of an inmate may also be compelled to contribute towards the maintenance of the inmate if he or she has sufficient funds to do so.

Clause 19, which consists of two sub-clauses, amends two sections of the Act of 1879. The amendments may be referred to as follows—

Sub-Clause (1) alters the definition of "habitual drunkard" so as to make the expression mean a person who, not being amenable to any jurisdiction in lunacy, is notwithstanding, by reason of habitual intemperate use of intoxicating liquor or drugs, at times dangerous to himself or herself or to others, or incapable of managing himself or herself, and his or her affairs, provided that a person who commits any of the offences mentioned in the first schedule to the Act of 1898, and who within the twelve months immediately preceding the date of the commission of the offence has been convicted at least three times of any of the offences so mentioned, shall be deemed to be a habitual drunkard, unless the contrary is proved by such person to the satisfaction of the court.

Sub-clause (2) repeals so much of the Act of 1879 as requires a person holding a licence for a retreat to pay for each such licence and each renewal thereof a stamp duty of £5 in addition to a further duty of 10s. for every patient above ten whom it is intended to admit into a retreat. The payment of these duties has been stated to be one of the reasons why the owners of retreats do not place themselves under license, and it is now sought to remove these duties altogether.

A. W. MYLES, *Town Clerk*, Glasgow.
WM. H. BLYTH MARTIN, *Town Clerk*, Dundee.
THOS. MUNRO, *County Clerk of Lanarkshire*, Hamilton.

DRAFT OF A BILL TO AMEND THE INEBRIATES ACTS 1879 TO 1900 IN THEIR APPLICATION TO SCOTLAND.

Whereas it is expedient that the Inebriates Acts 1879 to 1900 should be amended by the amendment or repeal of the sections or portions of sections of those Acts specified in the Schedule to this Act.

And whereas it is expedient to empower parish councils to establish and maintain certified inebriate reformatories.

Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled, and by the authority of the same, as follows:

Commencement of Act.

1. This Act shall come into operation on the first day of January, One thousand nine hundred and seven.

Short title and construction.

2. This Act may be cited as the Inebriates Amendment (Scotland) Act, 1906, and shall be read and construed as one Act with the Inebriates Acts, 1879 to 1900, and those Acts and this Act may be cited together as the Inebriates Acts, 1879 to 1906.

Application.

3. This Act shall apply to Scotland only.

Definitions.

4. The several words and expressions used in this Act shall, unless there be something in the subject or context repugnant to such construction, have the same meaning as in the Inebriates Acts 1879 to 1900:

And in this Act the following words and expressions have the meanings hereby assigned to them:—

"The Act of 1879" means the Habitual Drunkards Act, 1879.

"The Act of 1898" means the Inebriates Act, 1898.

"Habitual pauper addicted to drink" means a person who, having no regular occupation or means of subsistence, is known to be addicted to drink whereby he becomes a charge on the rates.

"Inebriate Reformatory" means an inebriate reformatory certified or intended to be certified under the Act of 1898, and any Act amending the same.

"Inebriates Acts" means the Inebriates Acts 1879 to 1906, and any Act amending the same.

"Magistrate" means a magistrate of a royal, parliamentary, or police burgh, and includes any judge entitled to officiate in any court for the trial of police offences under the provisions of any local or general Police Act.

Criminal habitual drunkards.

5. Section 23 of the Act of 1898 is hereby repealed, and the following provisions shall have effect in lieu thereof:—

(1) Where a person is convicted before a high court of justiciary or in any sheriff court, whether under summary jurisdiction or under indictment, of an offence punishable with imprisonment or with penal servitude, if the court is satisfied from the evidence that the offence was committed under the influence of drink or that drunkenness was a contributing cause of the offence and that the offender is a habitual drunkard, the court may, in addition to or in substitution for any other sentence, order that he be detained for a term not exceeding three years in any State inebriate reformatory or in any inebriate reformatory, the managers of which are willing to receive him.

(2) This section shall be substituted in Scotland for Section 1 of the Act of 1898.

Habitual drunkards four times convicted of drunkenness, etc.

6. Section 24 of the Act of 1898 is hereby repealed, and the following provisions shall have effect in lieu thereof:—

(1) Any person who commits any of the offences mentioned in the First Schedule to the Act of 1898, and who within the twelve months immediately preceding the date of the commission of the offence

(*a*) Has been convicted at least three times of any of the offences so mentioned, and who is a habitual drunkard, or

(*b*) has, under an order of detention under the Inebriates Acts, been an inmate of a State inebriate reformatory or an inebriate reformatory

may be tried summarily by the sheriff, or, with his own consent, by any two magistrates or justices of the peace, and shall be liable, on conviction, to be detained for a term not exceeding three years in

(*c*) any State inebriate reformatory,

(*d*) any inebriate reformatory, the managers of which are willing to receive him, or

(*e*) the poorhouse of the parish in which the offence was committed if, in the opinion of the court, such person is, in consequence of physical or mental incapacity or old age, or by reason of his habits and conditions of life, a fit subject for treatment in a poorhouse, provided that the parish council to whose poorhouse such person may be sent shall have a right of relief for any expenses in respect of the maintenance of such person against the parish council of the parish of his settlement, and provided further that in the event of such person not having a parish settlement such expenses shall be charged against the parish council of the parish in which the offence in respect of which the order of commitment is made has occurred.

(2) When any person charged under this section and convicted as aforesaid is not, in the opinion of the court, a fit subject for treatment in a State inebriate reformatory, an inebriate reformatory, or a poorhouse, the court may, in lieu of an order for the detention of such person in a reformatory or poorhouse as aforesaid, order him to be imprisoned for a term not exceeding one year.

(3) This section shall be substituted in Scotland for Section 2 of the Act of 1898.

Habitual drunkards fit subjects for inebriate reformatory.

7. (1) It shall be lawful for the parent, husband, wife, son, daughter, brother, sister, or legal guardian of any person, after satisfying either the sheriff or any two magistrates or justices of the peace officiating in any court, by the sworn testimony of the petitioner, and at least one credible witness as to the truth of the averments contained in the petition hereinafter in this section referred to, that there is reasonable ground for proceeding with such a petition, to present a petition to the sheriff of the county in which such person may for the time being reside, setting out that such person is a habitual drunkard and that he is by reason of his conduct and habits of life a fit and proper subject for treatment in an inebriate reformatory, notwithstanding the fact that he has never been convicted of any of the offences mentioned in the First Schedule to the Act of 1898, and such sheriff may, after such inquiry, if any, as he deems necessary, grant a warrant to cite such person by personal service to appear for trial before him, and if the sheriff is satisfied that such person is a habitual drunkard and is a fit and proper subject for treatment in an inebriate reformatory as aforesaid the sheriff may order him to be detained for a term not exceeding three years in any inebriate reformatory, the managers of which are willing to receive him.

(2) The decision of the sheriff or the magistrates or justices in connection with any proceedings under this section shall be final and not subject to review, and it shall not be competent to present a new petition against the same person until after the expiry of a period of at least three months from the date of any decision dismissing or otherwise finally disposing of a petition.

(3) In the event of a petition being presented as aforesaid by a person who is a minor, the sheriff, on the application of either party, may appoint a curator *ad litem*.

(4) Any person who under this section is entitled to present a petition to the sheriff as aforesaid shall also be entitled to appear in support of or in opposition to any such petition presented by any other person.

(5) It shall be lawful for the sheriff

(*a*) to adjourn from time to time the proceedings in connection with any petition under this section for such period as he may think fit, and

(*b*) to determine all questions of expenses in connection with any such petition and by whom the same shall be paid.

(6) Any person admitted into an inebriate reformatory under this section may at any time during the currency of an order of detention apply to the sheriff of the county in which the reformatory is situated for his discharge, and if after such inquiry, if any, as the sheriff deems necessary it shall appear to him to be reasonable and proper he may grant the application and order the discharge and liberation of such person accordingly.

Additional offences under Act of 1898.

8. The offences mentioned in the first column of the Second Schedule to this Act shall be deemed to be offences mentioned in the First Schedule to the Act of 1898.

Parish council may establish, etc., inebriate reformatory.

9. (1) A parish council shall have the same powers with regard to the establishment and maintenance of an inebriate reformatory as are conferred upon the council of any county or burgh by Sections 5 and 9 of the Act of 1898, and the said Sections shall be read and construed accordingly.

(2) Any expenditure incurred by a parish council under this Section may be defrayed out of the poor rate, and a parish council shall have power with the consent of the Local Government Board for Scotland to borrow money for the purposes of this Section on the security of the poor rate.

(3) Any money borrowed by a parish council under this Section shall be repaid within such period, not exceeding forty years, as the said Board may determine.

(4) A parish council shall pay off money so borrowed either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund set apart and applied in accordance with the regulations which may from time to time be made on that behalf by the Secretary for Scotland.

Establishment of additional inebriate reformatories for same district.

10. In the event of an application for a licence to establish an inebriate reformatory being made to the Secretary for Scotland by the parish, burgh, or county council of any district, the ratepayers of which are already liable to be assessed for the maintenance of an inebriate reformatory, the Secretary for Scotland shall, before dealing with such application, cause intimation thereof to be made to the managers of any inebriate reformatory at the time established by the parish, burgh, or county council of such district who, if they think fit, shall be entitled to appear before the Secretary for Scotland and show cause why such application should not be granted.

Habitual drunkards frequently in receipt of relief from parish council.

11. It shall be lawful for a parish council to present a petition to the sheriff, setting out that a person is

(*a*) a habitual drunkard, or

(*b*) a habitual pauper addicted to drink

and that within the twelve months immediately preceding the date of such petition he has received relief from any parish council not less than four times, and the sheriff after such intimation of the petition to such person as he may direct and after such inquiry, if any, as he deems necessary, if he is satisfied that the person is an habitual drunkard or a habitual pauper addicted to drink and has received relief as aforesaid, may order him to be detained for a term not exceeding three years in

(*c*) any inebriate reformatory, the managers of hich are willing to receive him, or

(*d*) the poorhouse of the parish if, in the opinion f the court, such person is, in consequence of physical or mental incapacity or old age, or, by reason of his habits and conditions of life, a fit subject for relief from the parish council.

Establishment and maintenance of retreats.

12. It shall be lawful for the council of any county or burgh to apply for and to hold a licence to keep a retreat under the Inebriates Acts, and any expenditure incurred by them in the establishment or maintenance of such a retreat shall be defrayed in the same way as expenditure incurred by them in connection with the establishment or maintenance of an inebriate reformatory.

Lunatic in inebriate reformatory

13. When any person detained in an inebriate reformatory is certified to be a lunatic, in terms of Sections 14 or 15 of the Lunacy (Scotland) Act, 1862, it shall be lawful for the managers of such reformatory to give notice to the inspector of poor of the parish in which the inebriate reformatory is situated, of their intention to discharge such person, and after seven days from the date of such notice it shall be lawful for the managers to discharge him, and on his discharge the said inspector of poor shall be bound to provide for such person as a lunatic found in the said parish.

Offenders failing to appear at court.

14. When any person charged with any of the offences mentioned in the First Schedule to the Act of 1898 shall have been taken into custody and liberated on bail or pledge and shall fail to appear in court at the calling of the case and the court shall think fit to declare such bail or pledge forfeited, such declaration of forfeiture shall for the purpose of any proceedings under the Inebriates Acts have the same force and effect as a conviction of the charge in respect of which such bail or pledge was taken and forfeited as aforesaid.

Penalty for offences.

15. Any person who commits any of the following offences (that is to say)—

(*a*) Knowingly sells, gives or supplies, or allows any person to sell, give or supply to any person during the period of his detention in an inebriate reformatory any intoxicating liquor or sedative narcotic or stimulant drug or preparation.

(*b*) Without the authority of the managers or the medical officer of an inebriate reformatory brings of attempts to bring into any such reformatory any intoxicating liquor or sedative narcotic or stimulant drug or preparation.

(*c*) Induces or knowingly assists directly or indirectly a person detained in an inebriate reformatory to escape therefrom; or

(*d*) Knowingly harbours, conceals, or prevents from returning to an inebriate reformatory, or assists in harbouring, concealing, or preventing from returning to such reformatory, any person who has escaped therefrom—

shall be liable on summary conviction to a penalty not exceeding twenty pounds, or at the discretion of the court to be imprisoned for any term not exceeding three months with or without hard labour.

Offenders may be apprehended and detained.

16. When any person is charged—

(*a*) With any of the offences mentioned in the First Schedule to the Act of 1898.

(*b*) With any of the offences mentioned in the immediately preceding section of this Act.

(*c*) With any offence against any of the regulations made under the Inebriates Acts, or

(*d*) Under Section 5, Section 6, or Section 11 of this Act—

it shall be lawful for the court to grant warrant for his apprehension by any constable or officer of court, or if already in custody, for his detention in prison or in any police office or police cell or other convenient place for any term during the interval between the institution of proceedings against him and the completion of the trial unless he finds caution to the satisfaction of the court for such amount, not exceeding twenty pounds, as the court may fix, for his appearance at all or any of the diets of the court.

Wife or husband may be witness.

17. In any proceedings under the Inebriates Acts the wife or husband of any person complained against may be sworn and examined as an ordinary witness in the case.

Recovery of expenses of detention of inebriates.

18. The provisions of Section 12 of the Act of 1898 as to the recovery from the estate of an inebriate of the expenses incurred in relation to his detention in a State inebriate reformatory or inebriate reformatory, shall extend to the recovery of such expenses from the wife or husband of such inebriate, and the said section shall be read and construed accordingly.

Amendment of Act of 1879.

19. (1) Section 3 of the Act of 1879, shall be read and construed

(*a*) As if the words "use of intoxicating liquor or drugs" were substituted for the words "drinking of intoxicating liquor" where they occur in that section, and

(*b*) As if the following proviso were added to the definition of the expression "habitual drunkard" as amended by this Act—"provided that a person who commits any of the offences mentioned in the First Schedule to the Act of 1898, and who within the twelve months immediately preceding the date of the commission of the offence has been convicted at least three times of any of the offences so mentioned, shall be deemed to be a habitual drunkard unless the contrary is proved by such person to the satisfaction of the court."

(2) Section 14 of the Act of 1879, is hereby repealed, and the following provision shall have effect in lieu thereof:—"All expenses incurred by the local authorities in connection with any application for the granting, renewing, or transferring of a license, under the Act of 1879, shall be borne by the applicant."

# SCHEDULES

## FIRST SCHEDULE.

*(Referred to in the Preamble of this Act.)*

I.—List of Sections of Acts Repealed by this Act.

| Title of Act. | Extent of repeal. | Sections of this Act authorising repeal. |
|---|---|---|
| The Habitual Drunkards Act, 1879 - - | Section 14. | Section 19 (2). |
| The Inebriates Act, 1898 - - - - | Section 23. | Section 5. |
| Do. - - - - | Section 24. | Section 6. |

II.—List of Sections of Acts Affected by this Act.

| Title of Act. | Sections amended. | Sections of this Act authorising amendment. |
|---|---|---|
| The Lunacy Act, 1862 - - - - | Sections 14 and 15. | Section 13. |
| The Habitual Drunkards Act, 1879 - - | Section 3. | Section 19 (1). |
| The Inebriates Act, 1898 - - - - | Sections 5 and 9. | Section 10 (1). |
| Do. - - - - | Section 12. | Section 18. |

## SECOND SCHEDULE.

*(Referred to in the Section of this Act of which the marginal note is "Additional offences under Act of 1898.")*

| Description of Offence. | Common Law, or Statute, enacting Crime or Offence. |
|---|---|
| Being guilty, while in a state of intoxication, of committing any of the following crimes, viz.: assault, breach of the peace, malicious mischief, or theft. | Common Law. |
| Being a common prostitute or night walker, and guilty, while in a state of intoxication, of loitering about or importuning passengers for the purpose of prostitution. | Burgh Police (Scotland) Act, 1892, Section 381, Sub-Section 22. |
| Being guilty, while in a state of intoxication, of begging - | Burgh Police (Scotland) Act, 1892, Section 408. |
| Being guilty, while in a state of intoxication, of cruelty to children. | Prevention of Cruelty to Children Act, 1904, Section 1. |
| All similar offences in Local Acts. | |

## 14.—STATEMENT SUBMITTED BY THOMAS MUNRO, Esq., CLERK TO THE COUNTY COUNCIL OF LANARKSHIRE.

County Offices, Hamilton,
*9th June*, 1906.

SIR,

*Care and Control of the Feeble-minded.*

I was instructed by this county council to offer myself as a witness to give evidence before the Royal Commission appointed on this subject, but I find that the days fixed by the Commission to hear evidence in Edinburgh clash with an important engagement which I have in London on Parliamentary business. I accordingly send this communication to you in the hope that you may be good enough to submit it to the Commissioners as expressing the views of this county council in the matter.

I append a statement containing information which has been supplied to me by the Chief Constable of the County as to the number of persons in this county who may be classed as persons to which the reference to the Commission is intended to apply.

Hartley B. N. Mothersole, Esq.,
Royal Commissions' House,
Old Palace Yard, Westminster, S.W.

That statement shows that there are in the county, including the Burghs of Lanark, Biggar, Motherwell, Wishaw, and Rutherglen, 254 persons of feeble-mind, 169 of these being males and 85 females.

In the majority of the cases referred to in the statement the persons no doubt are under the charge of relatives or guardians, but as a general rule such relatives or guardians are not in a position to give them the attention which their mental state renders it necessary should be bestowed upon them, with the result that they are allowed to wander about the highways—in some cases in a state of uncleanliness—to the annoyance and danger of the community and to the grave risk of injury to themselves.

My constituents are of the opinion that the present state of matters is most unsatisfactory, and calls for some action being taken with a view to better provision being made for their proper care and control.—I am, Sir,

Your obedient servant,
(*Signed*) THOS. MUNRO,
*County Clerk.*

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## COUNTY OF LANARK.

STATEMENT CONTAINING INFORMATION AS TO THE NUMBER OF PERSONS OF FEEBLE MIND RESIDENT IN THE COUNTY.

| | Male. | Female. | Total. |
|---|---|---|---|
| Upper Ward District | 43 | 20 | 63 |
| Middle Ward District | 97 | 50 | 147 |
| Lower Ward District | 12 | 11 | 23 |
| BURGHS: | | | |
| 1. Wishaw | 6 | – | 6 |
| 2. Motherwell | 5 | – | 5 |
| 3. Lanark | 2 | 2 | 4 |
| 4. Biggar | – | 1 | 1 |
| 5. Rutherglen | 4 | 1 | 5 |
| | 169 | 85 | 254 |

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# ROYAL COMMISSION ON THE CARE AND CONTROL OF THE FEEBLE-MINDED.

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